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LEGAL DEPARTMENT.

ORDINANCES, RULES AND NOTIFICATION.

No 9.

The following Ordinances, rules and notification of the Government of India are republished:—

The Registration Ordinance, 1939
(Ordinance No. 11 of 1939).

LEGISLATIVE DEPARTMENT

Simla, the 30th August 1939

ORDINANCE No 11 OF 1939.

An Ordinance to provide for the registration of certain European British subjects.

WHEREAS an emergency has arisen which renders it necessary to require certain European British subjects to register themselves in the manner hereinafter provided;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Registration Ordinance, 1939.

(2) It extends to the whole of British India, and applies also to European British subjects in any part of India.

(3) It shall come into force at once.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) "European British subject" means any subject of His Majesty of European descent in the male line, born, naturalised or domiciled in the British Islands or any British Dominion or Colony;

(b) "prescribed" means prescribed by rules made under this Ordinance.

3. (1) Every male European British subject for the time being in India (not being—

(a) a member of His Majesty's naval, military or air forces, or

(b) a person who is enrolled under the Auxiliary Force Act, 1920, or is in duly orders, or is a regular minister of any religious denomination)—

who for the time being has attained the age of sixteen years but has not attained the age of fifty years, shall, within the prescribed period, correctly fill up to the best of his knowledge and belief, or cause so to be filled up, sign and lodge with the registration authority specified or such other registration authority as may be prescribed, the form set out in the Second Schedule; and if any such European British subject is to be ordinarily resident in [illegible] with the said form a statement as [illegible]

(2) If any registration authority has reason to believe that any person is a European British subject to whom the provisions of sub-section (1) are applicable, he may, by order in writing, require such person to furnish such particulars as may be specified in the order within such time as may be so specified, and such person, whether or not he is a European British subject to whom the said sub-section applies, shall within the specified time furnish correct to the best of his knowledge and belief, the said particulars to the said registration authority in such form or manner as such order may require, and shall sign the same.

(3) If any person refuses, or without lawful excuse (the burden of proving which shall be upon such person) neglects fully to comply with the requirements of sub-section (2) or of any order made under sub-section (2) he shall be punishable with fine which may extend to five hundred rupees.

(4) Every registration authority under this Ordinance shall be deemed to be a public servant within the meaning of the Indian Penal Code. XLV of 1860.

4. If any question arises with reference to this Ordinance or any rule made thereunder whether a person is a European British subject to whom the provisions of sub-section (1) of section 3 are applicable, a person appointed in writing in this behalf by the prescribed authority may apply to the District Magistrate or to any officer specially empowered in this behalf by the Central Government in the area in which the person to whom the dispute relates is for the time being present and such Magistrate or other officer, after hearing such person or giving him a reasonable opportunity for being heard, shall summarily determine the question, and the decision of such Magistrate or other officer shall be final.

5. (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) prescribe registration authorities, in addition to those specified in the First Schedule;

(b) prescribe the time within which the form set out in the Second Schedule shall be lodged with the registration authority;

(c) prescribe authorities who may make the appointment referred to in section 4;

(d) provide for the form of certificates of registration;

(e) provide for the preparation, compilation and correction of a register, and require the attendance of persons for any of such purposes; and

(f) require the notification of changes of address of registered persons.

(3) Rules made under this section may provide that any contravention thereof or of any order or notice issued thereunder shall be punishable with fine which may extend to five hundred rupees.

Ordinance not to apply to certain persons.

6. Nothing in this Ordinance shall apply to any person confined for the time being in a prison or lunatic asylum.

THE FIRST SCHEDULE.

(See Section 1.)

a Authorities.

...head of the Office or Department ...ich he serves.

... him executive officer of any ... way.

... of the Railway Administra...

... Magistrate of the district ... the person is for the time ... dent, or in the case of a ... ident in a Presidency-town ... Insolvency or Police.

...TER.

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...their ...

...name, ... hus... ... or any ... and name ...

... or ... ... departure ... of the departure.

3 Whether he has served, or undergone training of any description, in any naval, military or air force. If so, give particulars of such service or training including date and duration thereof.

3 Whether he possesses or has possessed, a flying licence.

LINLITHGOW,
Viceroy and Governor-General.

SIMLA,
The 29th August 1939.

C. H. SPENCE,
Secretary to the Government of India.

(Republished by order of His Excellency the Governor)

P. APPU NAIR,
Secretary to Government, Legal Department.

The Registration Rules, 1939.

In exercise of the powers conferred by section 5 of the Registration Ordinance, 1939, the Central Government is pleased to make the following rules:—

Short title.

1. These rules may be called the Registration Rules, 1939.

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context,

(a) "the Ordinance" means "the Registration Ordinance, 1939;"

(b) "competent authority" means "the Officer Commanding the District or Independent Brigade Area within the limits of which the person concerned ordinarily resides".

Period within which claim may be made.

3. For the purposes of section 3 of the Ordinance, the prescribed period shall be—

(a) in the case of persons present in India at the commencement of the Ordinance, fourteen days from the commencement of the Ordinance,

(b) in the case of persons becoming subject to the Ordinance after its commencement, fourteen days from the date on which they become so subject.

Disposal of claims by competent authority.

4. (1) For the purpose of section 4 of the Ordinance the prescribed authority shall be the competent authority.

(2) Where the statement of a claim is lodged with the registration authority in accordance with the provisions of sub-section (2) of section 3 of the Ordinance the registration authority shall forward the same to the competent authority.

(3) On receiving a statement of claim under sub-rule (2) the competent authority shall, unless he allows the same, direct the authority appointed under section 4 of the Ordinance to apply for the decision of the claim to the District Magistrate or other officer specially empowered under the said section.

(4) If the competent authority or an officer deciding a question under section 4 of the Ordinance allows a claim he shall forward a copy of his order to the registration authority.

Notification of change of address.

5. (1) If any person registered under the Ordinance changes his registered address he shall, unless the change is for a period not exceeding 15 days, within seven days thereafter, notify the registration authority of such change.

(2) If any person refuses or, without lawful excuse (the burden of proving which shall lie upon him), neglects to make the notification required by sub-rule (1), he shall be punishable with a fine which may extend to two hundred rupees.

Maintenance of Register.

6. The registration authority shall maintain a register in Form I set out in the Schedule, and shall, as soon as may be after the commencement of the Ordinance, forward to the Central Government a copy of the register, and thereafter at weekly intervals, copies of all additions and alterations made therein.

Certificate of registration.

7. The registration authority shall supply to every person registered under the Ordinance a certificate of registration in Form II set out in the Schedule.

C. MACL. G. OGILVIE,
Secretary, Defence Department.

The 30th August 1939.

THE SCHEDULE.

FORM I.

(See Rule 6.)

Form of particulars.

1 Name in full.

2 Address.

3 Date of birth.

4 Whether single, married or widower.

5 Number of dependents, specifying their relationship, if any, to him.

6 Profession or occupation with full qualifications.

7 Name and nature of business, or name, address and nature of employer's business, or if employed by or under any department of Government, the name of the department.

8 Whether he has served or undergone training of any description, in any naval, military or air force. If so, give particulars of such service or training including date and duration thereof.

9 Whether he possesses, or has possessed, a flying licence.

Signature and date.

FORM II.

(See Rule 7.)

Certificate of Registration.

This is to certify that

(a)

(b) of

(c) has been registered

under the Registration Ordinance, 1939.

(a) Name, (b) occupation, (c) postal address.

Signature of holder.

Signature of registration authority.

Extract from the Registration Rules 1930.

"5. (1) If any person registered under the Ordinance changes his registered address, he shall, unless the change is for a period not exceeding 15 days, within seven days thereafter, notify the registration authority of such change.

(2) If any person refuses or, without lawful excuse (the burden of proving which shall lie upon him), neglects to make the notification required by sub-rule (1) he shall be punishable with fine which may extend to two hundred rupees."

(Republished by order of His Excellency the Governor)

P. APPU NAIR,
Secretary to Government, Legal Department.

The Requisitioning of Vessels Ordinance, 1939 (Ordinance No. III of 1939).

DEFENCE CO-ORDINATION DEPARTMENT

Simla, the 30th August 1939.

ORDINANCE No. III OF 1939.

An Ordinance to provide for the requisitioning of vessels for the service of His Majesty.

WHEREAS an emergency has arisen which makes it necessary to provide for the requisitioning of vessels for the service of His Majesty;

NOW, THEREFORE, in exercise of the power conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

Short title, extent and commencement.

1. (*1*) This Ordinance may be called the Requisitioning of Vessels Ordinance, 1939.

(*2*) It extends to the whole of British India.

(*3*) It shall come into force at once.

Definitions.

2. In this Ordinance unless there is anything repugnant in the subject or context—

(*a*) "owner" of a vessel includes the agent of any such owner in any part in which the vessel may be; and

(*b*) "vessel" means any British or Indian ship or vessel registered in British India wherever such vessel may be, and includes all tackle, appliances, coal, stores and other movable property of any description on, or appertaining to, such vessel, except cargo and the personal effects of passengers and the officers and crew.

Power to requisition vessels for His Majesty's service.

3. The Central Government may, by notification in the official Gazette, empower the Flag Officer Commanding or any commissioned officer of the Royal Indian Navy or such other officers as may be considered necessary to requisition vessels temporarily for the service of His Majesty.

Requisition upon owners and masters of vessels to furnish particulars for such service.

4. (*1*) Any officer empowered under section 3 may issue a requisition in writing to the owner of any vessel or in the absence of such owner or if the name and address of such owner cannot after reasonable inquiry be ascertained, to the master of such vessel, to furnish the same for the service of His Majesty at the time and place to be specified in the requisition.

(*2*) An officer making a requisition under sub-section (*1*) shall state therein, if possible, the approximate period for which the vessel will be required.

(*3*) Any such officer may, at the time of making the requisition, or subsequently, exempt therefrom any tackle, appliances, coal, stores or other movable property on, or appertaining to, the vessel requisitioned.

Payment of compensation for vessels requisitioned and disagreement thereof.

5. (*1*) Compensation shall be paid by the Central Government to the owner of any vessel requisitioned under this Ordinance.

(*2*) Such compensation shall be assessed by agreement between the officer making the requisition and the owner of the vessel requisitioned, or failing such agreement, in such manner as may be prescribed by the Central Government by rules on this behalf.

Powers of requisitioning officer in case of failure of owner, etc., to furnish particulars.

6. (*1*) If the owner or master of any vessel requisitioned for the service of His Majesty under this Ordinance fails to furnish such vessel in accordance with the terms of the requisition, the requisitioning officer by whom the requisition was made may, whether the compensation payable in respect of the requisition of such vessel has been assessed or not, seize, retain and use such vessel for the service of His Majesty, and for such purposes may use such force as may be required.

(*2*) All magistrates and police officers shall be bound to render such assistance as the requisitioning officer may reasonably demand in seizing and detaining a vessel under sub-section (*1*).

Penalty.

7. If any person contravenes the provisions of this Ordinance, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Bar of jurisdiction of Courts.

8. No requisition made under this Ordinance shall be called in question in any court, and save as herein provided no liability, civil or criminal, shall be incurred by any officer of Government by reason of anything done or purporting to be done in accordance with the provisions of this Ordinance.

Saving of powers conferred by Proclamation or Order in Council of His Majesty.

9. Nothing in this Ordinance shall be deemed—

(*a*) to affect, or derogate from any power of seizure or requisition exercised in pursuance of any Proclamation or Order in Council of His Majesty, or

(*b*) to authorise any seizure or requisition in contravention of any such Proclamation or Order in Council.

LINLITHGOW,
Governor-General.

Simla,
The 30th August 1939.

A. McC. WILLIAMS,
Secretary to the Government of India.

(Republished by order of His Excellency the Governor)

P. APPU NAIR,
Secretary to Government, Legal Department.

Notification.

DEPARTMENT OF COMMERCE.

COMMERCE

Simla, the 30th August 1939.

No. F. 25-V/39.—In exercise of the powers conferred by section 3 of the Requisitioning of Vessels Ordinance, 1939, the Central Government is pleased to empower the Flag Officer Commanding and all Commissioned officers of the Royal Indian Navy to requisition vessels temporarily for the service of His Majesty.

A. H. LLOYD,
Secretary to the Government of India.

(Republished by order of His Excellency the Governor)

P. APPU NAIR,
Secretary to Government, Legal Department.

The Defence of India Ordinance, 1939
(Ordinance No. V of 1939).

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ORDINANCE No. V OF 1939.

An Ordinance to provide for special measures to ensure the public safety and interest and the defence of British India and for the trial of certain offences.

WHEREAS an emergency has arisen which renders it necessary to provide for special measures to ensure the public safety and interest and the defence of British India and for the trial of certain offences;

AND WHEREAS the Governor-General in his discretion has declared by Proclamation under sub-section (1) of section 102 of the Government of India Act, 1935, that a grave emergency exists whereby the security of India is threatened by war; 26 Geo. 5, c. 2.

NOW THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set forth in the Ninth Schedule to the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance — 26 Geo. 5, c. 2.

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (*1*) This Ordinance may be called the Defence of India Ordinance, 1939.

(*2*) It extends to the whole of British India, and it applies also—

(*a*) to British subjects and servants of the Crown in any part of India;

(*b*) to British subjects who are domiciled in any part of India wherever they may be;

(*c*) in respect of the regulation and discipline of any naval, military or air force raised in British India, to members of, and persons attached to, employed with, or following, that force, wherever they may be; and

(*d*) to, and to persons in, ships and aircraft registered in British India wherever they may be.

(*3*) It shall come into force at once.

CHAPTER II.

Emergency Powers

Power to make rules.

2. (*1*) The Central Government may, by notification in the Official Gazette, make such rules as appear to it to be necessary or expedient for securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community.

(*2*) Without prejudice to the generality of the powers conferred by sub-section (*1*), the rules may provide for or may empower any authority or person to make orders providing for, all or any of the following matters, namely :—

(*i*) ensuring the safety and welfare of His Majesty's forces, ships and aircraft, and preventing the prosecution of any purpose likely to prejudice the operations of His Majesty's forces or the forces of His Majesty's allies;

(*ii*) prohibiting anything likely to prejudice the training, discipline or health of His Majesty's forces;

(*iii*) preventing any attempt to tamper with the loyalty of persons in, or to dissuade persons from entering the service of His Majesty;

(*iv*) preventing anything likely to assist the enemy or to prejudice the successful conduct of war, including—

(*a*) communications with the enemy or agents of the enemy,

(*b*) acquisition, possession and publication of information likely to assist the enemy,

(*c*) contributions to, participation in, or assistance in, the floating of loans raised by or on behalf of the enemy, and

(*d*) advance of money to, or contracts or commercial dealings with, the enemy, enemy subjects or persons residing, carrying on business, or being, in enemy territory;

(*v*) preventing the spread of false reports or the prosecution of any purpose likely to cause disaffection or alarm, or to prejudice His Majesty's relations with foreign powers, or to promote feelings of enmity and hatred between different classes of His Majesty's subjects;

(*vi*) requiring the publication of news and information;

(*vii*) regulating the conduct of persons in respect of areas the control of which is considered necessary or expedient, and the removal of persons from such areas;

(*viii*) requiring any person or class of persons to comply with a scheme of defence;

(*ix*) ensuring the safety of ports, dockyards, lighthouses, lightships, aerodromes, railways, telegraphs, post offices, signalling apparatus and all other means of communication, sources of water-supply, works for the supply of water, gas or electricity and any other place or thing the protection of which is necessary for the defence of British India;

(*x*) the apprehension and detention in custody of any person reasonably suspected of being of hostile origin or association, or of having acted, acting or being about to act, in a manner prejudicial to the public safety or interest or to the defence of British India, the prohibition of such person from entering or residing or remaining in any area, and the compelling of such person to reside and remain in any area, or to do, or abstain from doing, anything;

(*xi*) the control of persons entering, departing from or travelling in, British India and of foreigners residing or being in British India,

(*xii*) prohibiting or regulating traffic, and the use of vessels, buoys, lights and signals, in ports and territorial, tidal and inland waters;

(*xiii*) restricting the charter of foreign vessels,

(*xiv*) regulating the structure and equipment of vessels used or likely to be used by the Central Government, for the purposes of ensuring the safety thereof and of persons therein,

(*xv*) regulating work in dockyards and shipyards in respect of the construction and repairs of vessels;

(xvi) prohibiting or regulating the sailings of vessels from ports, traffic at aerodromes and the movement of aircraft, and traffic on railways, tramways and roads, and reserving, and requiring to be adapted, for the use of the Central Government, all or any accommodation in vessels, aircraft, railways, tramways or road vehicles for the carriage of persons, animals or goods;

(xvii) impressment of vessels, aircraft, vehicles and animals for transport;

(xviii) prohibiting or regulating the use of postal, telegraph or telephonic services, including the taking possession of such services and the delaying, opening, intercepting or interrupting of postal articles or telegraphic or telephonic messages;

(xix) regulating the delivery otherwise than by postal or telegraphic service of postal articles and telegrams;

(xx) the control of any trade or industry for the purpose of regulating or increasing the supply of, and the obtaining of information with regard to, anything which can be used in connection with the conduct of war;

(xxi) ensuring the ownership and control of mines by British subjects;

(xxii) controlling the use or disposal of, or dealings in, coin, bullion, securities or foreign exchange;

(xxiii) the control of any road or pathway, water-way, ferry or bridge, river, canal or other source of water-supply;

(xxiv) the requisitioning of any property, movable or immovable, including the taking possession thereof and the issue of any orders in respect thereof;

(xxv) prohibiting or regulating the possession, use or disposal of—

(a) explosives, inflammable substances, arms and ammunitions of war,

(b) vessels,

(c) wireless telegraphic apparatus,

(d) aircraft, and

(e) photographs and signalling apparatus and any means of recording information;

(xxvi) applying the provisions of the Sea Customs Act, 1878, and in particular section 19 thereof, to the prohibition or restriction of the import or export of goods to a particular person or a particular class of persons, 8 of 1878.

(xxvii) prohibiting or regulating the bringing into or taking out of, British India and the possession, use or transmission of ciphers and other secret means of communicating information;

(xxviii) prohibiting or regulating the publication of inventions and designs;

(xxix) preventing the disclosure of official secrets;

(xxx) prohibiting or regulating meetings, assemblies, lurs and processions;

(xxxi) preventing or controlling the use of uniforms, flags and insignia and of anything similar thereto;

(xxxii) ensuring the accuracy of any report or declaration legally required of any person;

(xxxiii) preventing the unauthorised change of names;

(xxxiv) preventing anything likely to cause misapprehension in respect of the identity of any official person, official document or official property or in respect of the identity of any person, document or property purporting to be, or resembling, most or property purporting to be, or resembling, an official person official document or official property, and

(xxxv) entry into, and search of, any place reasonably suspected of being used for any purpose prejudicial to the public safety or interest, to the defence of British India or to the efficient prosecution of war, and for the seizure and disposal of anything found there and reasonably suspected of being used for such purpose.

(2) The rules made under sub-section (1) may further—

(i) provide for the arrest and trial of persons contravening, or reasonably suspected of contravening, any of the rules;

(ii) provide that any contravention of, or any attempt to contravene, and any abetment of, or attempt to elect, the contravention of any of the provisions of the rules or any order issued under any such provision, shall be punishable with imprisonment for a term which may extend to seven years or with fine or with both;

(iii) provide for the seizure, detention and forfeiture of any property in respect of which such contravention, attempt or abetment as is referred to in the preceding clause has been committed;

(iv) confer power and impose duties—

(a) upon the Central Government or officers and authorities of the Central Government as respects any matter, notwithstanding that that matter is one in respect of which the Provincial Legislature also has power to make laws, and

(b) upon any Provincial Government or officers and authorities of any Provincial Government as respects any matter notwithstanding that that matter is one in respect of which the Provincial Legislature has no power to make laws;

(v) prescribe the duties and powers of public servants and other persons as regards preventing the contravention of, or securing the observance of, the rules;

(vi) provide for preventing obstruction and deception of, and disobedience to, any person acting and interference with any notice issued, in pursuance of the rules;

(vii) prohibit attempts to screen from punishment any person contravening any of the rules;

(viii) empower or direct any authority or person to take such action as may be specified in the rules or as may seem necessary to such authority or person for the purpose of ensuring the public safety or interest or the defence of British India; and

(ix) provide for charging fees in respect of the grant or issue of any licence, permit, certificate or other document for the purposes of the rules.

(3) The Central Government may by order direct that any power or duty which by rule under sub-section (2) is conferred or imposed upon the Central Government shall in such circumstances and under such conditions if any, as may be specified in the direction be exercised or discharged—

(a) by any officer or authority subordinate to the Central Government, or

(b) whether or not the power or duty relates to a matter with respect to which a Provincial Legislature has power to make laws, by any Provincial Government or by any officer or authority subordinate to such Government.

(4) A Provincial Government may by order direct that any power or duty which by rule made under sub-section (1) is conferred or imposed on the Provincial Government, or which, being by such rule conferred or imposed on the Central Government, has been directed under sub-section (3) to be exercised or discharged by the Provincial Government, shall in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority subordinate to the Provincial Government.

3 Any rule made under section 2, and any order made under any such rule, shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Ordinance or in any instrument having effect by virtue of any enactment other than this Ordinance. Effect of rules, &c., inconsistent with other enactments.

4. The Central Government may, by notification in the official Gazette, direct by general or special order that any persons who, not being members of His Majesty's forces, are attached to, or employed with, or following, those forces, shall be subject to naval, military or air force law and thereupon such persons shall be subject to discipline, and liable to punishment for offences, under the Indian Navy (Discipline) Act, 1934, the Indian Army Act, 1911, or the Indian Air Force Act 1932, as the case may require, as if they were included in such class of persons subject to any of those Acts as may be specified in the notification. Special powers to control certain persons employed in or in the vicinity of His Majesty's forces. XXXIV of 1934. VIII of 1911. XIV of 1932.

Enhanced penalties.

5. (1) If any person, with intent to wage war against His Majesty, or to assist any State at war with His Majesty, contravenes any provision of the rules made under section 2 or any order issued under any such rule, he shall be punishable with death, or transportation for life, or imprisonment for a term which may extend to ten years, and shall also be liable to fine.

(2) If any person—

(a) contravenes any such provision of, or any such rule or order made under, the Indian Aircraft Act, 1934 (XXII of 1934), as may be notified in this behalf by the Central Government, or

(b) in any area notified in this behalf by a Provincial Government, contravenes any such provision of, or any such rule made under, the Indian Arms Act, 1878, the Indian Explosives Act, 1884, or the Explosive Substances Act, 1908, as may be notified in this behalf by the Provincial Government,

(XI of 1878. IV of 1884. VI of 1908.)

he shall, notwithstanding anything contained in any of the aforesaid Acts or rules made thereunder, be punishable with imprisonment for a term which may extend to five years, or if his intention is to assist any State at war with His Majesty or to wage war against His Majesty, with death, transportation for life or imprisonment for a term which may extend to ten years, and shall in either case also be liable to fine.

(3) For the purposes of this section, any person who attempts to contravene, or abets or attempts to abet, or does any act preparatory to, a contravention of, a provision of any law, rule or order, shall be deemed to have contravened that provision.

Temporary Amendments of Acts. 1-2 Geo. 5, c. 30.

6. During the continuance of this Ordinance,—

(1) section 1 of the Geneva Convention Act, 1911, shall have effect in British India as if, in sub-section (2) thereof, for the words "shall be liable on summary conviction to a fine not exceeding ten pounds," the words "shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to a fine" had been substituted;

(XIX of 1923.)

(2) section 5 of the Indian Official Secrets Act, 1923, shall have effect as if—

(a) in sub-section (1) thereof, after the words "in his possession or control" the words "any information likely to assist the enemy, as defined in the rules made under the Defence of India Ordinance, 1939, or" had been inserted, and after the words "in such a place" the words "or which relates to, or is used in, a protected area, as defined in the rules made under the Defence of India Ordinance, 1939, or relates to anything in such an area," had been inserted, and

(b) for sub-section (3) thereof, the following sub-section had been substituted, namely:—

"(3) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to five years, or, if such offence is committed with intent to assist any State at war with His Majesty, or to wage war against His Majesty, with death, or transportation for life, or imprisonment for a term which may extend to ten years, and shall in either case also be liable to fine.";

(XXIII of 1931.)

(3) the Indian Press (Emergency Powers) Act, 1931, shall have effect as if in sub-section (1) of section 4 thereof, after clause (b), the following word and clause had been inserted, namely:—

"or

(bb) directly or indirectly convey any 'confidential information', any 'information likely to assist the enemy' or any 'prejudicial report', as defined in the rules made under the Defence of India Ordinance, 1939, or are calculated to instigate the contravention of any of those rules.";

(XXII of 1934.)

(4) the Indian Aircraft Act, 1934, shall have effect as if—

(a) at the end of clause (c) of sub-section (1) of section 5 the following words had been inserted, namely:—

"including the taking of steps necessary to secure compliance with or to prevent contravention of the rules regulating such matters, or, where any such rule has been contravened, to rectify, or to enable proceedings to be taken in respect of, such contravention";

(b) in clause (b) of sub-section (1) of section 8, for the words brackets, letters and figures "clause (a) or clause (c) of sub-section (2) of section 5", the words, brackets, letters and figures "clauses (a), (c), (d), (f), (h) or (i) of sub-section (2) of section 5, or the commission of an offence punishable under section 11" had been substituted;

(c) in section 11, after the words "in the air" the words "or in such a manner as to interfere with any of His Majesty's forces, ships or aircraft" had been inserted.

(d) in section 13 for the words, brackets, figures and letters "clause (i) or clause (j) of sub-section (2) of section 5" the words, brackets, figures and letters "clauses (c), (d), (e), (h), (i), (j), (k) or (l) of sub-section (2) of section 5, or punishable under section 11" had been substituted, and

(e) section 14 had been omitted, and

(5) the Indian Navy (Discipline) Act, 1934, shall have effect as if for section 90 of the Naval Discipline Act as set forth in the First Schedule to the first named Act the following section had been substituted namely:— (XXIV of 1934.)

"90. (1) If any person who would not otherwise be subject to this Act enters into an engagement with the Central Government to serve His Majesty—

(a) in a particular ship, or

(b) in such particular ship or in such ships as the Officer Commanding the Indian Navy, or any officer empowered in this behalf by the Officer Commanding the Indian Navy, may from time to time determine,

and agrees to become subject to this Act upon entering into the engagement, that person shall, so long as the engagement remains in force and notwithstanding that for the time being he may not be serving in any ship, be subject to this Act, and the provisions of this Act shall apply in relation to that person, as if, while subject to this Act, he belonged to His Majesty's navy and were borne on the books of one of His Majesty's ships in commission.

(2) The Central Government may by order direct that, subject to such exceptions as may in particular cases be made by or on behalf of the Officer Commanding the Indian Navy, persons of any such class as may be specified in the order shall, while subject to this Act by virtue of this section, be deemed to be officers or petty officers, as the case may be, for the purposes of this Act or of such provisions of this Act as may be so specified, and any such order may be varied or revoked by a subsequent order."

Saving as to temporary amendment of Act VI of 1932.

7. (1) Notwithstanding anything contained in the Indian Tea Control Act 1933, the Central Government may appoint any person to be an additional member of, and to act as Chairman of, the Indian Tea Licensing Committee during the continuance of this Ordinance and on such appointment being made and until this Ordinance ceases to be in force, the Chairman of the said Committee elected under section 6 of that Act shall cease to exercise the functions of Chairman. (VIII of 1933.)

(2) If in pursuance of any scheme for the control of import of Indian tea into the United Kingdom, the Central Government considers it necessary or expedient so to do, it may by order direct the Indian Tea Licensing Committee to apportion the requirement of the United Kingdom among the tea estates in accordance with such principles as may be laid down in the order, and the said Committee shall comply with such order.

(3) If at any time during the continuance of this Ordinance, the agreement referred to in the preamble to the Indian Tea Control Act 1933, is determined or otherwise ceases to be valid as between the parties thereto, the provisions of that Act shall, notwithstanding the said determination or invalidity of the agreement, continue in force: (VIII of 1

Provided that nothing in this sub-section shall be construed as continuing the said Act in force after the 31st day of March 1942.

CHAPTER III.

Special Tribunals.

Constitution of Special Tribunals.

8. (1) The Provincial Government may for the whole or any part of the Province constitute Special Tribunals which shall consist of three members appointed by the Provincial Government.

(2) No person shall be appointed as a member of a Special Tribunal unless he—

(a) is qualified under sub-section (3) of section 220 of the Government of India Act, 1935 for appointment as a Judge of a High Court or

26 Geo. 5, c. 2.

(b) has for a total period of not less than three years exercised, whether continuously or not, the powers under the Code of Criminal Procedure, 1898 (hereafter in this Chapter referred to as the Code) of any one or more of the following namely :—

V of 1898.

(i) Sessions Judge, Additional Sessions Judge, Chief Presidency Magistrate, Additional Chief Presidency Magistrate,

(ii) District Magistrate, Additional District Magistrate,

(3) At least two members of a Special Tribunal shall be persons who are qualified for appointment thereto—

(a) under clause (a) of sub-section (2), or

(b) under clause (b) of that sub-section by virtue of having exercised powers exclusive of those specified in sub-clause (i) of that clause.

Jurisdiction of Special Tribunals.

9. The Provincial Government may, by general or special order, direct that a Special Tribunal shall try any offence, whether committed before or after the commencement of this Ordinance, or any class of offences, triable under the provisions of Chapter XV of the Code by any Court having jurisdiction within the local limits of the jurisdiction of the Special Tribunal, and may in any such order direct the transfer to the Special Tribunal of any particular case from any other Special Tribunal or any other Criminal Court not being a High Court.

Procedure of Special Tribunals.

10. (1) A Special Tribunal may take cognizance of offences without the accused being committed to it for trial.

(2) In trials before a Special Tribunal it shall not be necessary to take down the evidence at length in writing but the Special Tribunal shall cause a memorandum of the substance of what each witness deposes to be taken down in the English language, and such memorandum shall be signed by a member of the Special Tribunal, and shall form part of the record

(3) A Special Tribunal shall not be bound to adjourn any trial for any purpose unless such adjournment is in its opinion, necessary in the interests of justice.

(4) A Special Tribunal shall not, merely by reason of a change in its members, be bound to recall and re-hear any witness who has given evidence, and it may act on the evidence already recorded by or produced before it.

(5) A Special Tribunal may try an accused person in his absence if, in its opinion, his absence has been brought about by the accused himself for the purpose of impeding the course of justice, or if the behaviour of the accused in Court has been such as, in the opinion of the Special Tribunal, to impede the course of justice.

(6) In the event of any difference of opinion among the members of a Special Tribunal, the opinion of the majority shall prevail.

(7) The Provincial Government may, by notification in the Official Gazette make rules providing for—

(i) the times and places at which Special Tribunals may sit,

(ii) the procedure to be adopted in the event of any member of a Special Tribunal being prevented from attending throughout the trial of any accused person, and

(iii) the procedure generally to be followed by Special Tribunals, where no procedure is prescribed by this Ordinance.

(8) A Special Tribunal shall, in all matters in respect to which no procedure has been prescribed by this Ordinance or by rules made thereunder, follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates.

Exclusion of public from proceedings of Special Tribunals.

11. In addition and without prejudice to any powers which a Special Tribunal may possess by virtue of any law for the time being in force to order the exclusion of the public from any proceedings, if at any stage in the course of a trial if any person before a Special Tribunal application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the trial would be prejudicial to the safety of the State that all or any portion of the public shall be excluded during any part of the hearing, the Special Tribunal may make an order to that effect, but the passing of sentence shall in any case take place in public.

Powers of Special Tribunals.

12. A Special Tribunal shall have all the powers conferred by the Code on a Court of Sessions exercising original jurisdiction.

Sentence of Special Tribunals.

13. (1) A Special Tribunal may pass any sentence authorised by law.

(2) Notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence of a Special Tribunal, and no Court shall have authority to revise such order or sentence, or to transfer any case from a Special Tribunal, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of a Special Tribunal and no sentence of a Special Tribunal shall be subject to confirmation.

(3) The powers conferred upon the Provincial Government and the Governor-General by Chapter XXIX of the Code shall apply in respect of a person sentenced by a Special Tribunal.

CHAPTER IV.

Supplemental.

Jurisdiction of ordinary Courts.

14. Save as otherwise expressly provided by or under this Ordinance, the ordinary criminal and civil Courts shall continue to exercise jurisdiction

Ordinary course of life to be interfered with as little as possible.

15. Any authority or person acting in pursuance of this Ordinance shall interfere with the ordinary course of life to be interfered with as little as may be consonant with the purpose of ensuring the public safety and interest and the defence of British India.

Savings as to orders.

16. (1) No order made in exercise of any power conferred by or under this Ordinance shall be called in question in any Court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Ordinance, a Court shall, within the meaning of the Indian Evidence Act, 1872, presume that such order was made by that authority

I of 1872.

Protection of actions taken under this Ordinance.

17. (1) No suit, prosecution or other legal proceeding shall be against any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rules made thereunder.

(2) Save as otherwise expressly provided under this Ordinance, no suit or other legal proceeding shall lie against the Crown for any damage caused or likely to be caused by anything done or intended to be done in pursuance of this Ordinance or any rules made thereunder.

18. (1) Where by or under any rule made under this Ordinance any action is taken of the nature described in sub-section (2) of section 299 of the Government of India Act, 1935, there shall be paid compensation the amount of which shall be determined in (the) manner and in accordance with the principles hereafter set out, that is to say:

(a) where completion of compensation ("complete compensation") can be fixed by agreement, it shall be paid in accordance with such agreement,

(b) where no such agreement can be reached, Central Government shall appoint as arbitrator a person qualified under sub-section (3) of section 220

of the above-mentioned Act for appointment as (? a Judge of the High Court);

(c) the Central Government may in any particular case nominate a person having expert knowledge as to nature of property acquired to assist arbitrator and, where such nomination is made, the person to be compensated may also nominate an assessor for said purpose;

(d) at commencement of proceedings before arbitrator the Central Government and (? the person) to be compensated shall state what in their respective opinions is a fair amount of compensation;

(e) very shortly the arbitrator in making his award shall have regard to—

(1) the provisions of sub-section (1) of section 24 of Land Acquisition Act, 1894, so far as same can be made applicable; and

(2) whether acquisition is of a permanent or temporary character;

(f) an appeal shall lie to the High Court against his own award of an arbitrator except in cases where amount thereof does not exceed an amount prescribed in this behalf by rule made by the Central Government;

(g) save as High Court in this section and in any rules made thereunder (? may prescribe ?), nothing in any law for time being in force shall apply to (?a) arbitrations under this section.

(3) The Central Government may frame rules for purpose of carrying into effect the provisions of this section.

(3) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(i) the procedure to be followed in arbitrations under this section;

(ii) the principles to be followed in apportioning compensation, the costs of proceedings before arbitrator and on appeal,

(c) the maximum amount of award against which no appeal shall lie.

13 In this Ordinance, unless there is anything repugnant in the subject or context, the expression (Provincial Government) means, in relation to a Chief Commissioner's Province, the Chief Commissioner.

SIMLA, The 3rd *September* 1939. LINLITHGOW, *Governor-General*

(Republished by order of His Excellency the Governor)

P. APPU NAIR, *Secretary to Government, Legal Department.*

The Defence of India Rules.

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Notification of the Government of India, Defence Co-ordination Department, dated the 3rd September 1939

No. 321/1.—In exercise of the powers conferred by section 2 of the Defence of India Ordinance, 1939, the Central Government is pleased to make the following Rules, namely:—

THE DEFENCE OF INDIA RULES.

PART I.

Preliminary.

1. These Rules may be called the Defence of India Central Rules.

2. In these Rules, unless there is anything repugnant Definitions in the subject or context,—

(1) "enemy" means any person or State at war with His Majesty;

(2) "enemy territory" means any area which is under the sovereignty of, or administered by, or for the time being in the occupation of, a State at war with His Majesty, but does not include any area in the occupation of His Majesty or of a State allied with His Majesty;

(3) "notified" and "notification" mean notified and notification respectively in the official Gazette;

(4) "Ordinance" means the Defence of India Ordinance, 1939;

(5) "prescribed" means prescribed by any order, direction or regulation made or given in pursuance of any of these Rules;

(6) "prohibited place" means a prohibited place as XIX of 1923.
defined in sub-section (8) of section 2 of the Official Secrets Act, 1923;

(7) "protected place" means a place declared under rule 7 to be a protected place;

(8) "protected area" means an area declared under rule 8 to be a protected area;

(9) "Provincial Government" means in relation to a Chief Commissioner's Province the Chief Commissioner;

(10) "public servant" includes any public servant XLV of 1860.
as defined in the Indian Penal Code and any servant of any local authority or railway administration;

(11) "requisition" means in relation to any property to take possession of the property or to require the property to be placed at the disposal of the requisitioning authority;

(12) "war" means any war in which His Majesty may for the time being be engaged.

3. (1) The General Clauses Act, 1897, shall apply to X of 1897.
the interpretation of these Rules as it applies to the interpretation.
interpretation of a Central Act.

(2) Any references in these Rules to the forces, vessels, aircraft, servants, subjects or prisoners of war of His Majesty shall, unless there is anything repugnant in the subject or context, be deemed to include the forces, vessels, aircraft, servants, subjects, or prisoners of war, as the case may be, of any part of His Majesty's dominions, of any territories under the protection or suzerainty of His Majesty and of any State in alliance with His Majesty.

(3) Any reference in these Rules to the master of a vessel or the pilot of an aircraft shall be construed as including a reference to the person for the time being in charge of the vessel or aircraft, as the case may be.

4. No prohibition, restriction or disability imposed by saving.
or under these Rules shall apply to anything done by or under the direction of any member of His Majesty's forces or any public servant acting in the course of his duty as such member or public servant.

5. If any person to whom any provision of these Non-compliance with this.
Rules relates, or in whom any order made in pursuance Rules or orders made there-
of these Rules is addressed or relates, or who is in under.
occupation, possession or control of any land, building, vessel or other thing to which such provision relates, or in respect of which such order is made—

(a) fails, without lawful authority or excuse, himself or in respect of any land, building, fishing vessel or other thing of which he is in occupation, possession or control, to comply, or to secure compliance, with such provision or order, or

(b) wilfully, or attempts to evade, by any means such provision, or order,—

he shall be deemed to have contravened such provision of these Rules or, as the case may be, such provision of these Rules as authorises the making of such order; and in these Rules the expression "contravention" with its grammatical variations includes any such failure, evasion or attempt to evade.

PART II.

Access to certain premises and areas.

Prescribed places.

6. (1) No person shall, without the permission of the Central Government, come, or be on or in, or pass over, or loiter in the vicinity of, any prohibited place.

(2) Where in pursuance of sub-rule (1) any person is granted permission to enter, or to be on or in, or to pass over, a prohibited place, that person shall, while acting under such permission, comply with such orders for regulating his conduct as may be given by the Central Government.

(3) Any police officer, or any other person authorised in this behalf by the Central Government, may search any person entering, or seeking to enter, or being on or in, a prohibited place, and may detain any such person for the purpose of searching him:

Provided that no female shall be searched in pursuance of this sub-rule except by a female.

(4) If any person is in a prohibited place in contravention of this rule, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any police officer or by any other person authorised in this behalf by the Central Government.

(5) If any person is in a prohibited place in contravention of any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Protected places.

7. If the Central Government or the Provincial Government considers it necessary or expedient that special precautions should be taken to prevent the entry of unauthorised persons into any place, that Government may by notified order declare the place to be a protected place; and thereupon the provisions of rule 6 and of the Indian Official Secrets Act, 1923, shall have effect in such place as if reference therein to a prohibited place and the Central Government were construed as reference to a protected place and the Government making the declaration.

XIX of 1923.

Prescribed areas.

8. (1) If the Central Government or the Provincial Government considers it necessary or expedient to regulate the entry of persons into any area, that Government may, without prejudice to the provisions of any other rule, by notified order declare the area to be a protected area; and thereupon, for so long as the order is in force, such area shall be a protected area for the purposes of these Rules.

(2) On and after such day as may be specified in, and subject to any exceptions for which provision may be made by, an order made under sub-rule (1), no person who was not at the beginning of the said day a resident in the area declared to be a protected area by the said order shall be therein except in accordance with the terms of a permit in writing granted to him by an authority or person specified in the said order.

(3) If any person is in a protected area in contravention of the provisions of this rule, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by or under the direction of any police officer or any member of His Majesty's forces on duty in the protected area.

(4) If any person is in a protected area in contravention of any of the provisions of this rule he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Orders for certain places and areas.

9. (1) Without prejudice to the provisions of any other rule, the Central Government, or reports—

(a) any prohibited place, or

(b) any place declared by it to be a protected place or protected area, or

(c) any other place or area in relation to which it appears to the Central Government to be necessary to take special precautions owing to the presence therein of members of His Majesty's forces or of occupiers of war, and the Provincial Government as respects any place or area declared by it to be a protected place or protected area, may make orders for controlling or regulating the admission of persons thereto, and the conduct of persons therein.

(2) Without prejudice to the generality of the foregoing provisions, orders made under sub-rule (1) in relation to any place or area may make provision—

(a) for restricting the admission of persons to such place or area and for removing therefrom any person who is therein in contravention of the orders or who has been convicted of—

(i) any contravention of the provisions of these Rules, or

(ii) any offence against public order or decency;

(b) for requiring the persons of any person or class of persons in such place or area to be searched by a prescribed authority and for requiring any person who has been convicted of any such offence as is mentioned in clause (a) of this sub-rule to report his movements while in such place or area and to observe any other condition imposed upon him by a prescribed authority;

(c) for requiring any person or class of persons in such place or area to carry such identificatory evidence of identity as may be prescribed; and

(d) for prohibiting any person or class of persons from being in possession or control of any prescribed article.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Trespassing on certain premises.

10. (1) No person shall—

(a) unlawfully enter or board any vehicle, vessel or aircraft used or appropriated for any of the purposes of His Majesty's service, or trespass on premises in the vicinity of any such vehicle, vessel or aircraft, or

(b) trespass on, or on premises in the vicinity of, any premises used or appropriated for any of the purposes of His Majesty's service or for defence against, or protection from, anarchy.

(2) If any person is found trespassing on any premises in contravention of the provisions of sub-rule (1), or is found on any vehicle, vessel or aircraft which he has entered or boarded without lawful authority, he may, without prejudice to any other proceedings which may be taken against him, be removed from such premises, vehicle, vessel or aircraft, as the case may be, by any police officer or any other person acting on behalf of Government, or by the person occupying the premises or being in charge of the vehicle, vessel or aircraft, or any person authorised by him.

(3) No person shall, for any purpose prejudicial to the public safety or to the defence of British India, be in, or in the vicinity of, any such premises or any such vehicle, vessel or aircraft as are referred to in sub-rule (1); and where, in any proceedings taken against a person by virtue of this sub-rule, it is proved that at the material time he was present in, or in the vicinity of, the premises, vehicle, vessel or aircraft concerned, the prosecution may thereupon adduce such evidence of the character of that person (including evidence of his having been previously convicted of any offence) as tends to show that he was present for a purpose prejudicial to the public safety or to the defence of British India.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend in the case of a contravention of sub-rule (2) to seven years and in any other case to three years, and shall also be liable to fine.

Loitering on certain premises.

11. (1) No person loitering in the vicinity of any prohibited place or protected place or of any such premises, vehicle, vessel or aircraft as are referred to in sub-rule (1) of rule 10 shall continue to loiter in that vicinity after being ordered to leave it by any police officer or any other person acting on behalf of Government, or by the person in occupation of the said premises or being in charge of the said vehicle, vessel or aircraft, or any person authorised by him.

(2) If any person contravenes the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Power to close roads, etc.

12. (1) The Central Government or the Provincial Government may, by order, prohibit or restrict for such period as may be specified in the order,—

(a) the use of any road, pathway or waterway;

(b) the passage of any person, animal or vehicle over any land.

(2) If any person contravenes any order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine.

PART III

Control of Signalling Telegraphy, Postal Communications, &c

Prohibition of signalling.

13. (1) Save as provided in sub-rule (3), no person shall, except with permission granted by the Central Government, make any signal (either visually or otherwise) to any foreign vessel or aircraft, or, in any area notified by the Central Government in this behalf, to any person beyond the external land frontiers of British India.

(2) No person shall display or make—

(a) any signal of a description notified by the Central Government to be appropriated for use by, in connexion with, or on, any of His Majesty's forces, vessels or aircraft, or

(b) any other signal, intending, or knowing it to be likely that such signal may mislead any member of His Majesty's forces.

(3) Nothing in sub-rule (1) shall apply so as to restrict the making of any signal for the purpose only of saving life, or of regulating or aiding the navigation, on the water or in the air, of any vessel or aircraft other than a vessel or aircraft being used in the service of a State at war with His Majesty.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Control of signalling apparatus.

14. (1) Subject to the provisions of sub-rule (2) and to any exemptions for which provision may be made by general or special order of the Central Government, no person shall, except with permission granted by the Central Government, use or have in his possession or under his control any apparatus or contrivance for signalling (whether visually or otherwise) which is of such a nature that it could be used for a purpose prejudicial to the efficient prosecution of war and to the defence of British India.

(2) Nothing in sub-rule (1) shall apply in relation to—

(a) any wireless telegraphy apparatus as defined in the Indian Wireless Telegraphy Act, 1933, or,

XVII of 1933.

(b) any apparatus forming part of the equipment of any vessel or aircraft, being an apparatus which is required by law to be carried therein.

(3) In any proceedings arising out of an alleged contravention of any of the provisions of this rule, it shall be a defence for the accused to prove that at the date of the alleged contravention, application had been made by him for the first time for the necessary permission in relation to the apparatus or contrivance in respect of which the proceedings are taken, and that the application was still pending at that date.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Control of trademarks, &c.

15. (1) In any area notified in this behalf by the Central Government, the Central Government may, if in the opinion of the Central Government, it is necessary or expedient for the efficient prosecution of the war or the defence of British India,—

(a) by general or special order prohibit the use, display or possession of any article which is intended to serve or to be used, or, in the opinion of the Central Government, is capable of serving or of being used, as a landmark or as a means of transmitting or conveying in any way any message or information to the enemy;

(b) by order direct that a person having control of any such article as aforesaid to remove it, or to take such other action in relation to it as may be specified in the order;

(c) seize and remove any such article as aforesaid or take such other action in relation to it as may seem expedient to the Central Government.

(2) If any person contravenes any order made under any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Wireless Telegraphy etc. XVII of 1933.

16. (1) Notwithstanding anything contained in the Indian Wireless Telegraphy Act, 1933, or in the rules made thereunder,—

(a) the Central Government may, by general or special order, prohibit or regulate the use of any wireless telegraphy apparatus as defined in that Act, and

(b) the authority mentioned in section 5 of that Act may refuse to grant a licence under that section and may at any time revoke a licence granted under that section.

(2) If any apparatus is used in contravention of an order made under clause (a) of sub-rule (1), any person in charge of the apparatus, and the occupier of the premises on which the apparatus is situated, or where the apparatus is on board any vessel or aircraft, the master of the vessel or the pilot of the aircraft, as the case may be, shall each be deemed to have contravened the order:

Provided that, in any proceedings which, by virtue of the provisions of this sub-rule, are taken against any person in respect of the use of any apparatus by some other person in contravention of an order under sub-rule (1), it shall be a defence for the accused to prove that the apparatus was so used without his permission and that he exercised all due diligence to prevent any contravention of the order.

(3) Any member of His Majesty's forces or any other person authorised in this behalf by the Central Government may, in relation to any vessel or aircraft, take such steps, and use such force, as may appear to that member or person to be necessary for securing compliance with any order made under clause (a) of sub-rule (1) or, where a contravention of such an order has occurred, for enabling proceedings in respect of the contravention to be taken.

(4) If any person, whose application for a licence has been refused or whose licence has been revoked under clause (b) of sub-rule (1), thereafter has in his possession any wireless telegraphy apparatus, he shall be deemed to have contravened the provisions of this rule.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Control of telephone and telegraphs.

17. (1) The Director-General, Posts and Telegraphs, or any person authorised by him in this behalf, may by order—

(a) direct—

(i) that any public telephone call office shall be closed to the public for such period as may be specified;

(ii) that any subscriber's telephone connexion to any exchange shall be cut off for such period as may be specified;

(iii) that any person empowered by him in this behalf by order in writing may listen in to all conversations or any specified conversation over any telephonic system;

(b) make provision for suspending or regulating the use otherwise than for Government purposes, of any telegraph or telephone service in any area specified in the order;

(c) assume the control or direction, or direct any person to assume the control or direction, of any private telephone exchange or any connexion with any such exchange.

(2) If any person contravenes any order made as for the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine.

Power to detain or requisition telegrams XIII of 1885.

18. Notwithstanding anything contained in sub-section (1) of section 5 of the Indian Telegraph Act, 1885 any person appointed by the Central Government to be a censor may—

(a) order that any telegraphic message or class of messages to or from any person or class of persons, or relating to any particular subject, brought for transmission by, or transmitted or received by, any telegraph, shall not be transmitted or shall be intercepted or detained or shall be disclosed to the censor or to any other officer of Government mentioned in the order;

(b) paraphrase the wording of any telegraphic message suspected of conveying a secret meaning and order the transmission of the message as so paraphrased.

Prevention of use of means of communication.

19. (1) Subject to any exemptions or conditions for which provision may be made by order of the Central Government, no person shall, except with permission granted by the Central Government, send or convey by post or otherwise from any place in British India to any destination outside India, or to any destination in British India from any place outside India,

(a) any instructions for obtaining any means of secretly conveying, receiving or recording information, including any cipher or code; or

(b) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information; or

(c) any document or other article secretly conveying or recording any information.

(2) The Central Government may, in respect of any area, by notified order, declare that it is expedient to control the use of means of secret communication there in and thereupon the provisions of sub-rule (1) shall apply in relation to that area as they apply in relation to a destination or place out de India.

(3) Any person who has in his possession or under his control any such communication, postal article, document or other article as is mentioned in sub-rule (1) shall, if required by the Central Government by a written order so to do, deliver up those instructions or that substance, document or other article to such authority or person as may be specified in the order.

(4) Nothing in sub-rule (3) shall be taken to prevent the prosecution of any person in respect of a contravention of the provisions of sub rule (1).

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Control of postal articles from British India.

30. (1) For the purposes of this rule and of rule 31, the expression "postal article" includes a letter, post card, newspaper, book, pattern or sample packet, parcel and every article or thing transmissible by post, and a money order;

(2) The Central Government may, by general or special order, either generally or with reference to any particular place within or without British India, prohibit, regulate, restrict or impose conditions upon the receipt or transmission by or despatch from British India of any postal article or of any class or description of postal articles.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Power to intercept and censor postal articles, VI of 1898.

31. (1) Notwithstanding anything contained in section 26 of the Indian Post Office Act, 1898, any person appointed by the Central Government to be a censor may—

(a) order that any postal article or class or description of postal articles in course of transmission by post shall be intercepted or detained or shall be disposed of in such manner as the censor may direct;

(b) open and examine the contents of any postal article, and delete, destroy or remove any part thereof which the censor considers to be prejudicial to the public safety or interest or to the defence of British India or the efficient prosecution of war.

(2) Any person who delivers any postal article for transmission, either by an indirect route or otherwise, in such a manner as is calculated to evade examination by a censor, shall be punishable with imprisonment which may extend to five years and shall also be liable to fine.

Power to prohibit, and to search, the possession, carrying, non-postal communication.

22. (1) In this rule,—

(a) "appropriate officer" means any officer of Customs, any police officer not below the rank of Sub-Inspector, or any other officer designated in this behalf by the Central Government;

(b) "photograph" includes any photographic plate, photographic film or other sensitised article which has been exposed to a camera whether such plate, film or other article has been developed or not.

(2) The Central Government may, by order, make provision for securing that, subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be contained therein, no document, pictorial representation, photograph or other article whatsoever recording information shall be sent or conveyed, otherwise than by post, into or from British India.

(3) No person shall have any article in his possession for the purpose of sending or conveying it in contravention of an order made under sub-rule (2).

(4) Any person who, on any occasion, is about to leave British India or arrives in British India (which person is hereafter in this rule referred to as "the traveller") shall, if on that occasion he is ordered so to do by the appropriate officer,—

(a) declare whether or not he has with him any such article as is mentioned in sub rule (2), and

(b) deliver to the appropriate officer any such article as aforesaid which he has with him;

and the appropriate officer, and any person acting under his directions, may—

(i) examine or detain any article which the traveller has with him for the purpose of ascertaining whether he is concealing or has in his possession any article in contravention of the provisions of this rule;

(ii) if he has reasonable ground for suspecting that the traveller has any article about his person in contravention of the provisions of this rule, search the person of the traveller;

(iii) seize any article delivered under this sub-rule or found upon examination or search under this sub-rule, being an article as to which he has reasonable ground for suspecting that it is being sent or conveyed in contravention of the provisions of this rule.

Provided that no female shall be searched in pursuance of the provisions of this sub-rule except by a female.

(5) Where, at any place in British India, any person is on any occasion found in circumstances in which it is reasonable to suppose that on that occasion he has communicated, or intends to communicate, at that place or to a person about to leave, or arriving in, British India, the provisions of sub-rule (4) shall apply in relation to the person so found as they apply in relation to a person about to leave British India.

(6) Where there is declared or delivered to an order made under this rule, or discovered upon an examination or search so made, any article which the appropriate officer suspects to record any information, he may take such steps (including the subjection of the article to any process) as may be reasonably necessary for ascertaining whether the article does or does not record that information.

(7) If, upon his being ordered to make a declaration or deliver any article under the provisions of sub-rule (4), any person knowingly makes a declaration which is false, or not true, or fails to deliver such article, he shall be deemed to have contravened the provisions of this rule

(8) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

(9) Anything seized in pursuance of the provisions of this rule shall be disposed of in such manner as the Central Government may by general or special order direct.

PART IV.

Restriction of movements and activities of persons.

Entering enemy territory.

23. (1) No person shall, without the permission of the Central Government, voluntarily enter any enemy territory or voluntarily go on board any vessel or aircraft being used in the service of a State at war with His Majesty.

(2) If any person contravenes this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Entering British India.

24. (1) The Central Government may, by order, make provision for securing that, subject to such exemptions as may be provided for in the order, any person or class of persons shall not, on passing from a place outside India, enter British India elsewhere than at such place as may be specified in the order.

(2) If any person enters British India in contravention of any order made under sub-rule (1), or of the provisions of, or of any rule or order made under, the Indian Passport Act, 1920, he shall, without prejudice to any other proceedings which may be taken against him, be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine. XXXIV of 1920.

(3) The master of any vessel or the pilot of any aircraft by means of which any person enters British India in contravention of any order made under sub-rule (1) or of the provisions of, or of any rule or order made under, the Indian Passport Act, 1920, shall, unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have abetted the contravention. XXXIV of 1920

Leaving British India

25. (1) The Central Government may, by order, make provision for securing that, subject to such exemptions as may be provided for in the order, any person or class of persons shall not—

(a) proceed from British India to a destination outside India except under the authority of a written

permit granted to such form and manner and by such authority or person as may be specified in the order;

(b) for the purpose of proceeding to a destination outside India, leave British India elsewhere than at such place as may be specified in the order.

(2) Where any police officer not below the rank of Inspector, or any other public servant authorised in this behalf by the Central Government, has reason to suspect that any person who is about to depart from British India is attempting so to depart for purposes prejudicial to the public safety or to the defence of British India, he may, notwithstanding the fact that such departure does not contravene any order made under sub-rule (1), prevent the departure of that person.

(3) Any police officer or other public servant who prevents the departure of any person under sub-rule (2) shall forthwith report the fact of such prevention to the Central Government, and the Central Government may, if it thinks fit, by order, prohibit such person or any class subsequently from leaving British India as the order or a similar order.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to two years or shall also be liable to fine.

(5) The master of any vessel or the pilot of any aircraft by means of which any person leaves British India in contravention of any order made under this rule shall, unless he proves that he could not by due diligence so prevent the said contravention, be deemed to have abetted the contravention.

Restriction of movements of suspected persons, prohibition orders and detention orders.

28. (1) The Central Government, if it is satisfied with respect to any particular person that, with a view to preventing him from acting in any manner prejudicial to the efficient prosecution of war, to the defence of British India or to public order, it is necessary so to do, may make an order—

(a) directing such person to remain himself from British India in such manner, by such route and by such time as may be specified in the order and prohibiting his return to British India;

(b) directing that he be detained;

(c) directing that, except in so far as he may be permitted by the provisions of the order or by such authority or person as may be specified therein, he shall not be in any such area or place in British India as may be specified in the order;

(d) requiring him to reside or remain in such place as within such area in British India as may be specified in the order;

(e) requiring him to notify his movements in such manner at such times and to such authority or person as may be specified in the order;

(f) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinions;

(g) prohibiting or restricting the possession or use by him of any such article or articles as may be specified in the order:

Provided that no order shall be made under clause (a) of this sub-rule in respect of any British born subject of His Majesty.

(2) The Provincial Government, if it is satisfied with respect to any particular person that, with a view to preventing him from acting in any manner prejudicial to public order, it is necessary so to do, may make any of the orders specified in clauses (c) to (g) both inclusive of sub-rule (1):

Provided that no such order shall relate to any area or place outside the Province.

(3) An order made under sub-rule (2) or sub-rule (1) may require the person in respect of whom it is made to enter into a bond, with or without sureties, for the due performance of one or all of the requirements of such order as may be specified in the order.

(4) If any person in any area or place in contravention of an order made under the provisions of this rule, or fails to leave any area or place in accordance with the requirements of such an order, then, without prejudice to the provisions of sub-rule (5) he may be removed from such area or place by any police officer or by any person acting on behalf of Government.

(5) So long as there is in force in respect of any person such an order as aforesaid directing that he be detained, he shall be liable to be detained in such place, and under such conditions, as the Central Government or the Provincial Government, as the case may be, may from time to time determine.

(6) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine, and if such person has entered into a bond in pursuance of the provisions of sub-rule (3) his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court why such penalty should not be paid.

Powers of photographing suspected persons.

27. (1) The Central Government or, as the case may be, the Provincial Government may, by order, direct that any person in respect of whom an order has been made by that Government under the provisions of rule 26, shall—

(a) allow himself to be photographed;

(b) allow his finger and thumb impressions to be taken;

(c) furnish specimens of his handwriting and signature; and

(d) attend at such time and place before such authority or person as may be specified in the order for all or any of the purposes mentioned in this sub-rule.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine.

Prisoners of war, etc.

28. (1) The Central Government may, by order, make provision—

(a) for regulating access to, and the conduct of persons in, any area in British India where prisoners of war are detained, and for prohibiting or regulating the departure or movement from outside such places to or for prisoners of war the sick, of any such act claim may be specified in the order;

(b) for regulating the conditions to be observed in connection with the employment and maintenance of prisoners of war in British India while elsewhere than in a place for the detention of prisoners of war.

XLV of 1860.

(2) The provisions of sub-rule (1) and of sections 123, 129 and 130 of the Indian Penal Code shall apply in relation to a person detained or confined by order made under clause (b) of sub-rule (1) of rule 26 or clause (g) of sub-rule (1) of rule 31 as they apply in relation to a prisoner of war.

(3) No proceedings shall be taken by virtue of this rule, against a person in respect of any act done by him when he is himself a prisoner of war.

(4) If any person contravenes any order made under the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Change of name by British subjects.

29. (1) For the purposes of this rule,—

(a) the expression "name" shall be construed as including a surname, and

(b) a name shall be deemed to be changed if the spelling thereof is altered.

(2) No British subject who is in British India on the day on which the Ordinance rules take force shall, while in British India at any time after that day, assume or use or purport to assume or use for any purpose any name other than that by which he was ordinarily known immediately before the said day, unless, at least one month before the day on which he first assumes or uses or purports to assume or use that other name, he has given to the Provincial Government a notice specifying—

(a) his existing name in full and the change which he proposes to make in it, and

(b) the address of his place of residence or place of abode if any, in British India,

and has complied with such orders in respect of such notice, relating means for giving public intimation of his intention to change his name, as the Provincial Government may give.

(3) In relation to any British subject who, not having been in British India on the day on which the Ordinance came into force, thereafter enters British India, sub-rule (2) shall have effect as if for any reference in that sub-rule to the said day there were substituted a reference to the day on which he first enters British India after the day on which the Ordinance came into force.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to two years and shall also be liable to fine.

(5) Nothing in this rule shall apply to the exemption or use—

(a) by any married woman of her husband's name;

(b) of any name in pursuance of a Royal license or in consequence of the grant of, or succession to, any rank or title;

(c) of any name in such circumstances as may be specified by order of the Provincial Government.

PART V.

Restrictions on Foreigners

Definition.

30. For the purpose of this Part the expression "foreigner" means a foreigner as defined in the Foreigners Act, 1864, but does not include—

III of 1864.

(i) any ruler or subject of an Indian State;

(ii) any native of the tribal areas.

Power to impose restrictions on foreigners.

31. (1) If in the opinion of the Central Government it is necessary for the defence of British India the efficient prosecution of the war or the public safety or interest so to do, the Central Government may, by order, make provision, either generally with respect to all foreigners or with respect to such foreigner or class of foreigners as may be specified in the order, for all or any of the following purposes, that is to say,—

(a) for prohibiting, regulating or restricting the entry of foreigners into British India or their departure therefrom or their continuance therein;

(b) for regulating or restricting the liberty of foreigners residing or being in British India.

(2) In particular and without prejudice to the generality of the foregoing power, an order made under the provisions of sub-rule (1) may provide that a foreigner, or class of foreigners, or all foreigners generally,—

(a) shall not enter British India, or shall enter British India only within such period and by such route or by such port or place and subject to the observance of such conditions on landing or arriving at any place in British India as may be specified in the order;

(b) shall not depart from British India, or shall depart only within such period and by such route or from such port or place and subject to the observance of such conditions on departing as may be specified in the order;

(c) shall not remain in British India or in such area therein as may be specified in the order;

(d) shall remove themselves to and remain in any such area in British India as may be specified in the order;

(e) entering into or residing or being in British India, or any specified area in British India, shall comply with any conditions specified in the order—

(i) requiring them to reside in a particular place;

(ii) imposing any restrictions on their movements;

(iii) requiring them to furnish proof of their identity and such other particulars, including photographs, specimens of handwriting and signature, and finger and thumb impressions, as may be specified in the order;

(iv) prohibiting them from association with persons of such description as may be specified in the order;

(v) prohibiting them from engaging in activities of such description as may be specified in the order;

(vi) prohibiting them from using or possessing such articles as may be specified in the order;

(vii) otherwise regulating their conduct in any particular;

(f) shall enter into a bond with or without sureties for the due observance of, or as an alternative to the enforcement of, any or all of the restrictions or conditions specified in the order;

(g) shall be arrested and detained or confined.

(3) So long as there is in force in respect of any foreigner such an order as aforesaid directing that he be detained or confined, he shall be liable to be detained or confined in such place, and under such conditions, as the Central Government may from time to time determine.

(4) The Central Government may, by order, exempt any class or description of foreigners or any individual foreigner either absolutely or conditionally from all or any of the provisions of any order made under this rule.

(5) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine, and if such person has entered into a bond in pursuance of an order made under clause (f) of sub-rule (2), his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court why such penalty should not be paid.

(6) If any question arises in any proceedings under this rule or with reference to anything done or proposed to be done in pursuance of any order made under this rule whether any person is or is not a foreigner, or is or is not a foreigner of a particular class or description, the onus of proving that that person is not a foreigner or, as the case may be, is not a foreigner of that class or description shall lie upon that person.

Obligations of masters of vessels, etc.

32. (1) A District Magistrate, or any other Magistrate authorised by the District Magistrate in this behalf, a Commissioner, Superintendent or Deputy Superintendent of Police or any other police officer not below the rank of a Sub-Inspector authorised by the Commissioner, Superintendent or District Superintendent of Police in this behalf, may, for any purpose connected with the enforcement of the provisions of rule 31, enter with such assistance as he may think fit any vessel or aircraft at any port or place in British India and may—

(a) order the master of the vessel or the pilot of the aircraft, as the case may be,—

(i) before allowing any passenger to disembark, to furnish a list in writing of the passengers who are on board or who have been carried on board at any time since the vessel or aircraft commenced its journey, specifying the ports or places at which they embarked, the ports or places of their disembarkation or intended disembarkation, and such other particulars as may be required by order of the Central Government made in pursuance of this rule;

(ii) to answer to the best of his ability any question relating to the passengers who are on board or who have disembarked in any part of British India;

(b) if any foreigner on board such vessel or aircraft does not state his reasons for coming to British India or if his account thereof is not satisfactory, either—

(i) refuse to allow such foreigner to disembark from such vessel or aircraft, or

(ii) place him under such restraint as may be specified by the Central Government in this behalf.

(2) If the master of any vessel or the pilot of any aircraft wilfully makes any false report or gives any false answer in respect of any matter as to which he is ordered under this rule to make a report or furnish an answer, or wilfully neglects or refuses to comply with any provisions of this rule or of any order given in pursuance thereof, he shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

Change of name by foreigners.

33. (1) For the purpose of this rule,—

(a) the expression "name" shall be construed as including a surname, and

(b) a name shall be deemed to be changed if the spelling thereof is altered.

(2) No foreigner who is in British India on the day on which the Ordinance came into force shall, while in British India at any time after that day, assume or use

or purport to assume or use for any purpose any name other than that by which he was ordinarily known immediately before the said day.

(3) Where, after the day on which the Ordinance came into force, any foreigner carries on or purports to carry on (whether alone or in association with any other person) any trade or business or any name or style other than that in or which that trade or business was being carried on immediately before the said day, he shall, for the purposes of sub-rule (2), be deemed to be using a name or style other than that by which he was ordinarily known immediately before the said day.

(4) In relation to any foreigner who, not having been a British India on the day on which the Ordinance came into force thereafter enters British India, sub-rules (2) and (3) shall have effect as if for any reference in those sub-rules to the said day there were substituted a reference to the day on which he first enters British India after the day on which the Ordinance came into force.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment which may extend to five years and shall also be liable to fine.

(6) Nothing in this rule shall apply to the assumption or use—

(a) by any married woman of her husband's name; or

(b) of any name in pursuance of a Royal license.

PART VI.

Prevention of Prejudicial Acts and Control of Information.

Definitions.

16. In this Part, unless there is anything repugnant in the subject or context,—

"Cinematograph film".

(1) "cinematograph film" includes a sound track, and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of a film;

"Confidential information".

(2) "confidential information" includes any information, whether true or false, or any document or other record whatsoever containing or purporting to contain, or calculated directly or indirectly to convey, any information, whether true or false, with respect to any of the following matters, that is to say,—

(a) the proceedings of any meeting of the Executive Council of the Governor-General;

(b) the proceedings of any committee, commission, conference, convention or delegation appointed by His Majesty or appointed or convened by, or at the invitation of, the Central Government or either Chamber of the Indian Legislature to deal with matters concerning the prosecution of war, the making of peace or the proposed constitution for the Government of any territory affected by the war or by the conditions of peace;

(c) the contents of any secret or confidential document belonging to, or the contents of any document which has been or has been communicated by, or any confidential information obtained from, Government or any person in the service of His Majesty and relating to any of the aforesaid matters;

"Essential commodity".

(3) "essential commodity" means food, water, fuel, light, power or any other thing essential for the existence of the community which is notified in this behalf by Government;

"Exhibit" and "Exhibition".

(4) "exhibit" and "exhibition" and their grammatical variations include, in relation to a cinematograph film, the mechanical or electrical reproduction of any sounds in connexion with the showing of the film;

"Information likely to assist the enemy".

(5) "information likely to assist the enemy" means any information, whether true or false, or any document or other record which conveys or contains or purports to contain, or calculated, directly or indirectly, to convey, any information, whether true or false, with respect to any of the following matters, that is to say,—

(a) the number, description, armament, equipment, disposition, movement, employment or condition of any of His Majesty's forces, vessels or aircraft;

(b) any operations or proposed operations of any of His Majesty's forces, vessels or aircraft;

(c) any measures, works, appliances or arrangements for, or connected with, or intended for, the defence or fortification of any place by or on behalf of His Majesty's forces;

(d) the number, description or location of any prisoners of war;

(e) any enemy agents, that is to say, persons engaged in or believed to be engaged in assisting the enemy;

(f) the condition of His Majesty's subjects or of any class thereof or the sympathies of such subjects or class as regards matters relating to the war;

(g) the inventing, manufacture, quantity, supply, disposition, condition, deposit, movement, storage, repair, testing, trial or use of any munitions of war or other thing which can be used in connexion with the prosecution of the war;

(h) any measures, works, appliances or arrangements for or connected with, or intended for the protection of any munitions of war or other thing which can be used in connexion with the prosecution of the war;

(i) any arrangements relating to the collection of means of transport or for the provision of—

(i) transport or communications, or

(ii) the supply or distribution of any essential commodity;

(j) any prohibited place, protected place or protected area, or any person or thing for the time being in any such place or area, or anything used in, or done or proposed to be done in, or in relation to, any such place or area;

(k) the passage of any vessel or aircraft near or over any part of India;

(l) any losses or casualties incurred by persons in the service of His Majesty, or the number or description of any such persons relating to the active service of His Majesty after casualty, or any injury or damage caused, whether by hostile operations or otherwise, to any of His Majesty's vessels or aircraft, or to any prohibited place, protected place or protected area, or to any person or thing in any such place or area, or to any munitions of war or any injury or damage caused by hostile operations to any other person or thing whatsoever;

(m) any cipher, code or secret or official codeword or pass-word;

(n) any orders, instructions or regulations regarding, or connected with, any of the aforesaid matters;

(o) any other matter whatsoever information as to which would or might be, directly or indirectly, useful to the enemy;

"Prejudicial act".

(6) "prejudicial act" means any act which is intended or is likely—

(a) to prejudice His Majesty's relations with any Indian State or with any foreign Power;

(b) to cause disaffection among, or to prejudice, prevent or interfere with the discipline, health or training of or the performance of their duties by, members of His Majesty's forces or public servants;

(c) to render any member of His Majesty's forces or any public servant incapable of efficiently performing his duties as such, or to induce any member of His Majesty's forces or any public servant to fail in the performance of his duties as such;

(d) prejudice the recruiting of, or the attendance of persons for service in, any of His Majesty's forces or any police force or fire brigade or any other body of persons entered, enrolled or engaged as public servants;

(e) to bring into hatred or contempt, or to excite disaffection towards, His Majesty or the Crown Representative or the Government established by law in British India or in any other part of His Majesty's dominions;

(f) to promote feelings of enmity and hatred between different classes of His Majesty's subjects;

(g) to cause fear or alarm to the public or to any section of the public;

(h) to impede, delay or restrict the means of transport or locomotion, any work necessary for the efficient prosecution of the war, the products, handling or transport of any munitions of war or the supply or distribution of any essential commodity;

(i) to render any munitions of war wholly or partially ineffective or dangerous, or to cause or increase danger to any person employed upon the production, handling or transport of, any munitions of war;

(j) to undermine public confidence in the national credit or in any Government loan or security or in any notes, coins or tokens which are or are intended to be in circulation in India or in any part thereof, or to prejudice the success of any financial measure taken or arrangements made by Government with a view to the efficient prosecution of war.

(k) to influence the conduct or attitude of the public or of any section of the public in a manner likely to be prejudicial to the defence of British India or to the efficient prosecution of war;

(l) to instigate directly or indirectly the use of criminal force against public servants generally or any class of public servants or any individual public servant;

(m) to facilitate or incite directly or indirectly the commission or abetment of an offence punishable under section 121, section 121A, section 122, section 131, or section 436 of the Indian Penal Code, or of the offence of robbery or dacoity;

XLV of 1860.

(n) to instigate or incite directly or indirectly the commission or abetment of an offence against, or arising out of rules made under, the Indian Arms Act, 1878, the Indian Explosives Act, 1884, or the Explosive Substances Act, 1908.

XI of 1878. III of 1884. VI of 1908.

(o) to instigate or incite directly or indirectly the commission or abetment of an offence against section 27 of the Indian Army Act, 1911, section 35 of the Indian Air Force Act 1932, or sections 10 to 16 (both inclusive) of the Indian Navy (Discipline) Act, 1934;

VIII of 1911. XIV of 1932. XXXIV of 1934.

(p) otherwise to prejudice the efficient prosecution of the war and the defence of British India, or the public safety or interest;

"Prejudicial report."

(f) "prejudicial report" means any report, statement or visible representation, whether true or false, which, or the publishing of which, in the circumstances of its publication, is likely to be prejudicial to the safety or interests of His Majesty or the efficient prosecution of the war;

"Unauthorised cinematograph film."

(g) "unauthorised cinematograph film" means a cinematograph film which has not been certified under, or in respect of which a certificate has been suspended under, or in respect of which the Provincial Government has decided that it shall be deemed to be uncertified under, section 7 of the Cinematographs Act, 1918.

II of 1918.

Sabotage.

38. (1) No person shall do any act with intent to impair the efficiency or impede the working of, or to cause damage to,—

(a) any building, vehicle, machinery, apparatus or other property used, or intended to be used, for the purposes of Government;

(b) any railway (as defined in the Indian Railways Act, 1890), tramway, road, canal, bridge, culvert, causeway, port, dockyard, lighthouse, aerodrome, or telegraph (as defined in the Indian Telegraph Act, 1885);

IX of 1890. XIII of 1885.

(c) any rolling-stock of a railway or tramway, any vessel or aircraft;

(d) any building or other property used in connection with the production, distribution or supply of any essential commodity, any power works, mine or factory;

(e) any prohibited place or protected place.

(2) The provisions of sub-rule (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to Government or to any public authority or to any person, to do, as they apply to the doing of any act by a person.

(3) If any person approaches, or is in the neighbourhood of, any such building, place or property as is mentioned in sub-rule (2), in circumstances which afford reason to believe that he has omitted to contravene that sub-rule, he shall be deemed to have attempted a contravention thereof.

(4) If any person contravenes this rule any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Interference with postal and telegraphic communications, etc.

39. (1) No person shall knowingly—

(a) cause interference with the sending or receiving of communications by post, telegraphy (including wireless telegraphy), telephony (including wireless telephony) or television; or

(b) intercept any postal, telegraphic or telephonic communication.

(2) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Communications with persons engaged in assisting the enemy.

40. (1) No person having reasonable cause to believe that such other person is engaged in assisting the enemy, shall communicate or associate with any other person.

(2) In any proceedings taken by virtue of sub-rule (1), it shall be a defence for the accused to prove that the purpose of the communication or association in question was not prejudicial to the defence of British India, to the efficient prosecution of war or to the public safety.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Prohibition of prejudicial acts, publication and communications.

41. (1) No person shall, without lawful authority or excuse,—

(a) do any prejudicial act; or

(b) obtain, collect, record, elicit, make, print or publish, or distribute, or communicate by any means whatsoever to any other person, any information likely to assist the enemy; or

(c) make, print, publish or distribute any document containing, or spread by any other means whatsoever, any prejudicial report; or

(d) make, print, produce, publish or distribute any publication containing or communicate in any manner by any means whatsoever, any confidential information.

(2) The author, editor, printer and publisher of, and any person who otherwise makes or produces any information likely to assist the enemy, any sedi tious information or any prejudicial report, and any person who distributes or sells any information or report of that nature, knowing it to be of such nature, shall be deemed to have contravened this rule.

(3) Any person who exhibits, or causes or allows to be exhibited, to the public or to any section of the public any unauthorised cinematograph film containing any information likely to assist the enemy, any confidential information or any prejudicial report or any reference to or representation of any such information or report and the licensee of any hall or other premises licensed under the Cinematograph Act, 1918, for giving exhibitions by means of a cinematograph, and the occupier, or, if there is no occupier, the owner, of any other building, or other premises, in or on which any unauthorised cinematograph film as aforesaid is exhibited, shall be deemed to have contravened this rule.

II of 1918.

(4) The proprietor, manager or any other person in control of any place in which, and every person who takes part in any public performance of any play, pantomime, drama or recitation in the course of which any confidential information, any information likely to assist the enemy or any prejudicial report is published shall each be deemed to have contravened the rule.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine:

Provided that in any proceedings arising out of a contravention of this rule—

(a) in relation to the making or printing of any document or information, it shall be a defence for the accused to prove that the said document or information was made or printed, as the case may be,—

(i) before the Ordinance came into force, or

(ii) with the permission or under the authority of Government, or

(iii) as a proof intended for submission to Government or to a person or authority designated by Government in the behalf with a view to obtaining permission for its publication;

(b) in relation to the publication at any document or information it shall be a defence for the accused to prove that the said document or information was published—

(i) before the Ordinance came into force, or

(ii) with the permission or under the authority of Government.

Unauthorised possession of certain information and publication. 39. (1) No person shall, without lawful authority or excuse, have in his possession—

(a) any information likely to assist the enemy or any confidential information; or

(b) any document containing any prejudicial report; or

(c) any unauthorised photographic film of the nature described in sub-rule (3) of rule 38.

(2) Any person who, without lawful authority, has on any premises in his occupation or under his control any information likely to assist the enemy shall be deemed to have contravened this rule.

(3) Any person who has on any premises in his occupation or under his control any document containing any prejudicial report shall, unless he proves that he did not know or had no reason to suspect that the said document contained any prejudicial report or that he had no intention of transmitting or circulating it or of distributing copies thereof to or amongst other persons, be deemed to have contravened this rule.

(4) The licensee of any building or other premises licensed under the Cinematograph Act, 1918, and the occupier, or, if there is no occupier, the owner, of any other building or other premises, in or on which any unauthorised film as aforesaid is found, shall, unless he proves that the said unauthorised film was in or on such building or other premises without his knowledge or against his consent, be deemed to have contravened this rule. Act 2 of 1918.

(5) In any proceedings arising out of a contravention of this rule in respect of the possession of any document or information, it shall be a defence for the accused to prove that the said document or information—

(a) was in his possession with the permission or under the authority of Government; or

(b) was a proof prepared by or for him for submission to Government or to a person or authority designated by Government in that behalf with a view to the obtaining of permission for its publication; or

(c) was published before the Ordinance came into force.

(6) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Prescription, etc., of documents for censorship. 40. (1) Where in the opinion of the Central Government or the Provincial Government any document or the Provincial Government any document or any thing made printed or published, whether before or after this Ordinance came into force, contains any confidential information, any information likely to assist the enemy or any prejudicial report, that Government may, by order,—

(a) addressed to the editor, printer, publisher or person in possession of such document or thing, require to be informed of the name and address of any person concerned in the supply or communication of such information or in the making of such report;

(b) prohibit the further publication of such document, including, in the case of a newspaper or other periodical, the publication of any subsequent issue thereof;

(c) declare any such document and every copy thereof to be forfeited to His Majesty.

(2) Where in pursuance of sub-rule (1) any document has been declared to be forfeited to His Majesty, any police officer may seize any copy thereof, wherever found, and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any premises wherein or wherein any copy of any such document is or is reasonably suspected to be.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Exp.—5

41. (1) If, in the opinion of the Provincial Government, it is necessary or expedient for the enforcement of these Rules, the Provincial Government may, by order addressed to a registered publisher, or editor, or to printers, publishers and editors generally,— Power to impose censorship.

(a) require that all matter, or any matter relating to a particular subject or class of subjects, shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order;

(b) prohibit, either absolutely or conditionally, the printing or publishing in any area specified in the order of any document or class of documents, or the sale of any paper or of all papers.

(2) If any person contravenes any order made under sub-rule (1), then, without prejudice to any other proceedings which may be taken against such person, the Provincial Government may declare to be forfeited to His Majesty every copy of any document published or made in contravention of such order and any printing press or other apparatus used in the making or publication of such document.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to two years and shall also be liable to fine.

Publication of inventions and designs, 42. (1) For the purposes of this rule, the expression "Controller" means the Controller of Patents and Designs appointed under the Indian Patents and Designs Act, 1911. II of 1911.

(2) Where, either before or after the coming into force of this Ordinance, an application has been made to the Controller for the grant of a patent or the registration of a design, the Controller, if he is satisfied that it is expedient for the defence of British India or the efficient prosecution of the war so to do, may, notwithstanding anything contained in the Indian Patents and Designs Act, 1911, grant to the applicant or otherwise by order, direct him to do in relation to the application, and by order, prohibit or restrict the publication of information with respect to the subject matter of the application, or the communication of such information to particular persons or classes of persons. II of 1911.

(3) No person shall, except under the authority of a written permit granted by the Controller, make an application for the grant of a patent, or the registration of a design, in any foreign country.

(4) If, in the opinion of the Central Government, it is necessary or expedient for the defence of British India or the efficient prosecution of the war so to do, the Central Government may by order require any person to furnish such authority or person as may be specified in the order, any such information as is possessed by him relating to any invention, design or process as may be specified in the order or demanded of him by the said authority or person.

(5) The right of a person to apply for, or to obtain, a patent in respect of an invention, or registration in respect of a design, shall not be prejudiced by reason only of the fact that the invention or design has previously been communicated to an agent or person in compliance with any order given under sub-rule (4), or used by an authority or a person in consequence of such communication, and a patent in respect of an invention or the registration of a design shall not be held to be invalid by reason only of the fact that the invention or design has been communicated or used as aforesaid.

(6) In connection with the making, use or exercise of any invention or design on behalf of, or for the services of the Crown (whether by virtue of the Indian Patents and Designs Act, 1911, or otherwise), the Central Government may by order authorise the use of any drawing, model, plan, specification, or other document or information in such manner as appears to the Central Government to be expedient for the defence of British India or the efficient prosecution of the war, notwithstanding anything to the contrary contained in any license or agreement, and any license or agreement, if and in so far as it confers on any person, otherwise than for the benefit of the Crown, the right to receive any payment in respect of the use of any document or information in pursuance of such an authorisation, shall be inoperative. II of 1911.

(7) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to two years and shall also be liable to fine.

43. Whenever the Provincial Government is of opinion that any play, pantomime or other drama performed, or about to be performed, in a public place contains any prejudicial report, or is calculated to lead to the commission of a prejudicial act, it may, by order, prohibit Control of dramatic performances.

XIX of 1876.

the performance; and thereupon the provisions of sections 4 to 9 of the Dramatic Performances Act, 1876, shall apply in relation to any such performances as they apply in relation to any performances prohibited by the Provincial Government under section 3 of that Act:

Provided that any person who commits in relation to any order made in pursuance of this rule any of the offences specified in sections 4 and 6 of the Dramatic Performances Act, 1876, shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

XIX of 1876.

Control of cinematographic films.

44. (1) The Central Government or the Provincial Government may by order declare any unauthorised cinematograph film or any cinematograph film which is imported into British India in contravention of any order made under these rules to be forfeited to His Majesty.

(2) Where in pursuance of sub-rule (1) any cinematograph film has been declared to be forfeited to His Majesty, any police officer may seize such film wherever found and any Magistrate may by warrant authorise any police officer not below the rank of sub-inspector to enter upon and search any premises wherein or wherein any such film is or is reasonably suspected to be.

General control of photography.

45. (1) Subject to any exemptions for which provision may be made by order of the appropriate Government, no person shall, except under the authority of a written permit granted by or on behalf of that Government,—

(a) have with him a camera or any material for making a sketch, plan, model or other representation in, or in the vicinity of, any prohibited place, protected place or protected area or any other place or area notified in this behalf by the Central Government, being a place or area in relation to which the restriction of photography appears to that Government to be expedient in the interests of the defence of British India; or

(b) make any photograph, sketch, plan, model or other representation—

(i) of a prohibited place, protected place or protected area, or of any part of, or object in, any such place or area;

(ii) of an object of any such description, as may be specified by order of the Central Government;

(iii) of, or of any part of, or object in, any such place or area in British India as may be notified by the Central Government in pursuance of clause (a) of this sub-rule.

(2) In any proceedings arising out of a contravention of clause (a) of sub-rule (1), it shall be a defence for the accused to prove that at the date of the contravention application had been made by him for the grant to him of the necessary permit in relation to the camera or other article in respect of which the proceedings are taken, and that the application was still pending at that date.

(3) The appropriate Government may, by general or special order, make provision for securing that photographs, sketches, plans and other representations made under the authority of a permit granted in pursuance of sub-rule (1), shall not be published unless and until they have been submitted to, and approved by, such authority or person as may be specified in the order; and may provide, or direct or otherwise dispose of anything submitted as aforesaid.

(4) If in, or in the vicinity of, any place or area to which this rule or any notification issued in pursuance of this rule applies, any person is found in possession of a camera or material for making a sketch, plan, model or other representation, then, without prejudice to the provisions of sub-rule (5) or to any other provisions which may be taken against him, such camera or other material shall be liable to forfeiture.

(5) If any person contravenes any of the provisions of this rule he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

(6) In sub-rules (1) and (3), the expression "appropriate Government" means, in relation to any place or area declared by the Provincial Government to be a protected place or protected area, that Provincial Government, and in relation to any other place or area, the Central Government.

PART VII.

False representations, etc.

Personation and pretending to be a soldier, etc.

46. (1) In this rule the expression "Government" means any Government whether within or without British India.

(2) No person shall do any act, or make any statement,—

(a) calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on the behalf, of any Government, or as a public servant; or

(b) calculated falsely to suggest that any article or property does or does not belong to, or is or is not in the possession or under the control of, Government or has or has not been classified, selected or appropriated on behalf of Government for any particular purpose; or

(c) whereby any directions, information or information falsely purporting to be duly issued or given for purposes connected with the defence of British India or the security of the public safety, are communicated or are intended to be communicated to the public or to any section thereof; or

(d) having reasonable cause to believe that the said act or statement is likely to mislead any person in the discharge of any lawful function in connection with the defence of British India or the maintenance of the public safety.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Forgery and improper use of official documents, etc.

47. (1) In this rule—

(a) "Government" means any Government whether within or without British India;

(b) "official document" includes any passport, pass, permit, certificate, licence, order or other instrument issued by or under the authority of any Government or any officer of His Majesty's forces or any police officer;

(c) "official seal" includes any die, seal, plate or other instrument for making an impression or stamp and any impression or stamp of any such die, seal, plate or other instrument, belonging to or used, made or provided by or for any Government.

(2) No person shall—

(a) forge, alter, tamper with or destroy any official document or any application, request or receipt in respect of any official document; or

(b) use or have in his possession any forged or altered official document, or any document so nearly resembling an official document as to be calculated to deceive; or

(c) personate or falsely represent himself to be, or not to be, a person to whom an official document relates or to whom an official document or any secret official codeword or password has been duly issued or communicated; or

(d) with intent to obtain an official document, secret official codeword or password, whether for himself or for any other person, knowingly make any false statement; or

(e) without lawful authority make, use or have in his possession or under his control any official seal or any die, seal, plate or other instrument so nearly resembling an official seal as to be calculated to deceive.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Improper use of uniforms etc.

48. (1) No person shall without lawful authority use or wear—

(a) any official uniform, Indian, British or foreign, or any dress so nearly resembling such uniform as to be calculated to deceive; or

(b) any official decoration, medal, badge or mark of rank, mark, qualification or duty, Indian, British or foreign, or any copy or miniature thereof, or any ribbon or other emblem designed for use thereon or in lieu thereof or any article so nearly resembling any of the aforesaid articles as to be calculated to deceive.

(2) No person shall falsely represent himself to be a person who possesses or has possessed lawful authority to use or wear any such uniform or article as is mentioned in sub-rule (1).

(3) No person shall supply or offer to supply any such uniform or article as is referred to in sub-rule (1) to or for any person whom he knows to be without lawful authority to use or wear it.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

(5) In any prosecution under sub-rule (2) or sub-rule (3), the onus of proving that a person possessed lawful authority to use or wear any such uniform or article as is mentioned in sub-rule (2) shall, notwithstanding anything contained in the Indian Evidence Act, 1872, be upon that person. 1 of 1872.

PART VIII.

Precautions for Defence.

Evacuation of areas.

40. (1) The Central Government may, if it appears necessary for the purpose of meeting any actual or apprehended attack on or of protecting persons and property from the dangers involved in such attack, by order direct, in respect of any specified area, that, subject to any exemptions made by general order or special permission,—

(a) all persons of any class of persons shall remove themselves or be removed from the said area or to any specified part thereof;

(b) any animals or property or any specified class of animals or property shall be removed from the said area or to any specified part thereof;

(c) within a specified time any building or other property specified in the order shall be destroyed or rendered useless;

and may do any other act involving interference with private rights of property which is necessary for any of the purposes aforesaid.

(2) An order made under sub-rule (1) for the removal of persons, animals or property may specify—

(a) the route or routes by which all or any class of persons, animals or property are to remove themselves or be removed from the specified area or to any specified part thereof;

(b) the time or times by which they are to remove themselves or be removed therefrom or to any specified part thereof;

(c) the place or places to which they are to proceed or be taken on actually themselves or being removed from the specified area;

and may make such other incidental and supplementary provisions as may appear necessary or expedient for the purposes of the said order.

(3) If any order made under sub-rule (1) is contravened in respect of any animal or property, the person in charge of such animal or property shall be deemed to have contravened the order.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine.

Assumption of management during emergency.

50. (1) The Central Government or the Provincial Government may, for the purpose of accommodating any persons who have left or been removed from their homes in accordance with any order made under rule 49, take possession of any premises other than premises used for the purposes of religious worship or as private dwelling houses.

(2) Where, in pursuance of sub-rule (1) the Central Government or a Provincial Government takes possession of any premises, rent shall be paid for such possession at such rates as that Government may by general or special order made in this behalf determine.

(3) The Central Government or the Provincial Government, as the case may be, may, at any time, restore possession of any premises in respect of which action has been taken under sub-rule (1) to the owner or occupier thereof and may by order direct that no person shall thereafter be in those premises except with the consent of the occupier.

(4) If any person contravenes any order made under this rule, he shall be punishable with fine which may extend to five hundred rupees.

Precautions against hostile attacks.

51. (1) The Central Government or the Provincial Government may by order specify the action to be taken by any person or authority to protect himself or the general public against the dangers involved in any apprehended attack by land, sea or air.

(2) An order made under sub-rule (1) may provide that upon the giving of any specified notice or signal any person or class of persons may, subject to such conditions and in such circumstances as may be specified, enter and remain in or on any premises or property which may be specified or which may be appointed for the purpose of the rule by any specified authority or person.

(3) No person shall—

(a) wilfully obstruct any person entering or seeking to enter any premises or property in accordance with an order made under this rule; or

(b) when lawfully in any premises or property any person who is entitled to remain there by virtue of such an order.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine.

Control of lighting.

52. (1) The Central Government or the Provincial Government may by order provide—

(a) for prohibiting or regulating the display of lights of any specified description;

(b) for securing that in specified circumstances, information of the position of such persons and places, and warning of the presence of such vehicles and vessels, as may be specified, shall be given by means of such lights as may be specified, and for prescribing the manner in which any apparatus used for the purpose of exhibiting such lights is to be constructed, installed or used;

(c) for prohibiting or regulating the use of roads by any particular class of traffic, so far as appears to it to be necessary for avoiding danger over-ground of compliance with any provisions of an order made under this rule which relate to the lighting of roads or of vehicles on roads;

(d) for prohibiting or regulating such activities as may be specified, being activities which consist of or involve the emission of smoke, flame, sparks or glare in the making of iron.

(2) An order under sub-rule (1) may be made so as to apply to any specified area or premises, may make different provisions as respects different parts of an area or different classes of premises, places, vehicles or vessels therein, may provide for exempting any premises, places, vehicles or vessels (either absolutely or conditionally) from the operation of any of the provisions of the order, and may contain such incidental and supplementary provisions as appear to the authority making the order to be necessary or expedient for the purposes of the order.

(3) If any order made under sub-rule (1) is contravened in respect of, or in relation to, any light, premises, place, vehicle, vessel, apparatus, road or activity to which the order applies, any police officer, or any person authorised in that behalf by the authority making the order, may take such steps and use such force as may, in his opinion, be reasonably necessary for giving effect to the order, and in the exercise of this power shall have a right of access to any land or other property whatsoever.

(4) If any order made under this rule is contravened in respect of any premises, place, vehicle or vessel, the occupier of the premises or place, the person in charge of the vehicle, or the master of the vessel, as the case may be, shall (without prejudice to any proceedings which may be taken against any other person) be deemed to have contravened the provisions of this rule:

Provided that in any proceedings which by virtue of this sub-rule are taken against any person in respect of a contravention of such an order on the part of another person, it shall be a defence for the accused to prove that the contravention occurred without his knowledge and that he exercised all due diligence to secure compliance with the order.

(5) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine.

Curfew.

53. (1) The Central Government or the Provincial Government may, by order, direct that, subject to any specified exemptions, no person present within any specified area shall between such hours as may be specified be out of doors except under the authority of a written permit granted by a specified authority to a person.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine.

PART IX.

Control of Arms and Explosives.

Carrying and possession of arms and explosives.

84. (1) The Central Government or the Provincial Government, may, by general or special order, prohibit, restrict or impose conditions on—

(a) the carrying in public places of arms or articles capable of being used as arms;

(b) the carrying or possession of arms, ammunition, or explosive substances.

(2) Without prejudice to any powers conferred by or under any other law for the time being in force,—

(a) if any police officer not below the rank of head constable or any other public servant authorised by the Central Government or a Provincial Government to act under this rule, suspects that any arms, ammunition, or explosive substances are in or upon any land, vehicle, aircraft, vessel, building or other premises in contravention of an order made under sub-rule (1), he may enter, if necessary by force, and search the land, vehicle, aircraft, vessel, building or premises in or upon which he suspects that a contravention of an order made under sub-rule (1) has been or is being committed, at any time of the day or night, and may seize any arms, ammunition or explosive substances found therein or thereon which he suspects to be therein or thereon in contravention of such order;

(b) if any police officer, or any other public servant authorised by the Central Government or the Provincial Government to act under this rule, suspects that any person is carrying or in possession of, arms, ammunition, or explosive substances or other articles in contravention of an order made under sub-rule (1) such officer or other public servant may stop and search or cause to be searched such person and seize any arms, ammunition, explosive substances or other articles possessed or carried by him in contravention of such order:

Provided that no female shall be searched in pursuance of the provisions of this rule except by a female.

(3) Any arms, ammunition, explosive substances or other articles seized under the provisions of this rule may be destroyed or otherwise disposed of as may be ordered by the Provincial Government.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Manufacture and transport of explosives and other dangerous articles, IV of 1884. XXX of 1934.

85. (1) The Central Government may, as regards any premises used for producing, treating, handling or keeping any munitions of war, explosives or petroleum or any other substance to which any of the provisions of the Indian Explosives Act, 1884, or of the Petroleum Act, 1934, apply, or may be applied, by order make provision for the safety of persons and property in, or in the vicinity of, such premises and by any such order may authorise the searching of persons entering, or attempting to enter, or being within any premises to which the order applies:

Provided that no female shall be searched in pursuance of such order except by a female.

(2) The Central Government may by order make, in relation to the conveyance on vehicles or vessels of any description of any such articles or substances as are mentioned in sub-rule (1), such provision as may appear to be necessary or expedient for the protection of persons or property against danger arising from, or in connection with, such conveyance.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine.

PART X.

Public Safety and Order.

Control of processions, meetings, etc.

86. (1) The Provincial Government may, by general or special order prohibit, restrict or impose conditions upon, the holding of or taking part in public processions, meetings or assemblies for such periods as may be specified in the order.

(2) For the purpose of sub-rule (1), any procession, meeting or assembly which is open to the public or to any class or portion of the public, whether held on a public or a private place and whether admission thereto is restricted by the issue of tickets or otherwise, shall be deemed to be a public procession, meeting or assembly as the case may be.

(3) Any police officer may take such steps and use such force, as may be reasonably necessary for securing compliance with any order made under this rule.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Power to restrict use of motor vehicles.

87. (1) The Central Government may, by general or special order, prohibit, restrict or impose conditions upon, the use or possession of any motor vehicle by any person, other than a member of His Majesty's forces without a permit from such military authority as may be specified or from the senior police officer in the district in which the said person resides.

(2) If any police officer or any other person authorised by the Central Government in this behalf suspects that any motor vehicle is or is kept in or upon any building, land, vehicle, vessel or other premises or is being used by any person in contravention of an order made under this rule, such officer or person may—

(i) enter and search such building, land, vehicle, vessel or other premises at any time of the day or night and may seize any motor vehicle found therein or thereon which he suspects to be therein or thereon in contravention of such order;

(ii) stop such person and seize any motor vehicle which is being used in contravention of such order.

(3) The Central Government may declare any motor vehicle seized in pursuance of this rule to be forfeited to His Majesty and thereupon such motor vehicle shall be disposed of in such manner as may be ordered by the Central Government.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine.

Power to control drilling.

88. (1) The Central Government or the Provincial Government may, by general or special order, prohibit or restrict in any area any such exercises, movements, evolution or drill of a military nature as may be specified in the order.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Unofficial uniforms, etc.

89. (1) The Central Government or the Provincial Government may, by general or special order, prohibit the wearing or display by any person in public of any distinctive dress or article of apparel or any emblem, being a dress, article or emblem as to which the Central Government or the Provincial Government, as the case may be, is satisfied that the wearing or display thereof in public would be likely to cause a disturbance of public order or to promote disaffection.

(2) For the purposes of this rule, a dress, an article of apparel or an emblem shall be deemed to be worn or displayed in public if it is worn or displayed so as to be visible to a person in any place to which the public have access.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

PART XI.

Shipping and Aircraft

General control of navigation.

90. (1) The Provincial Government as regards inland waters, and the Central Government as regards waters other than inland waters, may by order make provision for regulating the places in or to which vessels may be or go, and the movements, navigation, pilotage, anchorage, mooring, bathing and lighting of vessels, in such waters.

(2) If in the case of any vessel any order made under sub-rule (1) is contravened, the master of the vessel shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Control of ports, ships, etc.

61. (1) No person shall, except on her permission granted by the Central Government discontinue, alter or remove or make any variation in the mode of exhibiting or operating, any light, buoy, beacon or other apparatus used for the purpose of aiding the navigation of ships or aircraft.

(2) The Central Government may make orders for prohibiting or restricting the exhibition or operation of, or requiring the removal, alteration or concealment of, or the making of any variation in the mode of exhibiting or operating, any such light, buoy, beacon or other apparatus as aforesaid.

(3) If any person contravenes any of the provisions of (1) or (2) he shall be punishable with imprisonment for a term which may extend to five years, and shall also be liable to fine.

Conditions for fitting of certain vessels.

62. (1) The Central Government may by order make provision—

(a) for securing that any vessel registered in British India shall not, except under permission granted by the Central Government, proceed to sea from any port (whether within or outside British India) unless such requirements in respect of the alteration of the structure or external appearance of the vessel, and in respect of the equipping of the vessel with any particular apparatus, contrivance, appliance or defensive equipment, as may be contained in the order have been complied with;

(b) for securing the proper maintenance and efficient use of any apparatus, contrivance, appliance or defensive equipment with which any such vessel is equipped in pursuance of the order;

(c) for any incidental or supplementary matters for which it appears to the Central Government to be necessary for the purposes of the order to provide.

(2) An order under sub-rule (1) may be made so as to apply either to a particular vessel or to vessels of a particular class, and so as to apply to any such vessel or vessels either wherever it or they may be or while in such waters, or engaged on such voyages, as may be specified.

(3) If any vessel proceeds or attempts to proceed to sea in contravention of an order made under this rule the master of the vessel and the owner or other person having the management thereof shall each be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Employment of British vessels.

63. (1) The Central Government may, in respects any class of vessels registered in British India, by order make provision—

(a) for securing that, subject to any exemptions for which provision may be made by the order, any such class of persons as may be specified in the order shall not be employed on board vessels to which the order applies;

(b) for prohibiting the employment of any person or class of person on board such vessels unless they are holders of certificates of identity issued in such form and manner as may be specified and for determining the circumstances in which certificates of identity may be granted and revoked.

(2) An order under sub-rule (1) may be made so as to restrict the employment of persons either in any capacity or in such capacity as may be specified and so as to restrict the employment of persons on such vessels as aforesaid either wherever they may be or while in such waters, or engaged in such trades or on such voyages, as may be specified.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Employment outside of India of certain persons.

64. (1) The Central Government, with a view to preventing the employment abroad, in connection with the management of vessels registered in British India, of enemy aliens or persons connected with the enemy, may by order direct that, as from such date as may be specified, the owner, manager or charterer of any vessel registered in British India, being a person resident in British India, or a corporation incorporated under the law of British India shall not employ in any foreign country or territory, in connection with the management of the vessel, any person other than a person approved for the purpose by the Central Government; and an order under this rule may be made so as to apply either generally to employment in all foreign countries or territories, or to employment in such foreign countries or territories or such class of foreign countries or territories, as may be specified in the order.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Control of trade by sea.

65. (1) Without prejudice to any order made under sub-rule (2) of rule 61, the Central Government, with a view to securing that vessels registered in British India are used in such manner only as the Central Government considers expedient in the interests of the defence of British India and the efficient prosecution of the war, or for the maintenance of supplies and services essential to the life of the community, may by order provide that any such vessel registered in British India as may be specified in the order shall not proceed to sea from any port (whether within or outside British India) except under the authority of a licence granted by such authority or person as may be specified in the order; and any such order may contain provisions whereby a licence under the order may be granted subject to such limitations and conditions as the authority or person granting the licence thinks fit to impose with respect to—

(a) the trades in which the vessel may be engaged and the voyages which may be undertaken by the vessel;

(b) the class of cargoes or passengers which may be carried in the vessel;

(c) the hiring of the vessel and the terms upon which cargoes or passengers may be carried in the vessel;

and may also contain provisions for requiring any vessel in respect of which such a licence is in force to comply with any directions given on behalf of the Central Government as to the ports to which and the routes by which the vessel is to proceed for any particular purpose.

(2) Any provisions of an order made under sub-rule (1) may be framed so as to apply to any such vessels either wherever they may be or while in such waters, or engaged in such trades or on such voyages, as may be specified.

(3) Without prejudice to any of the provisions of sub-rules (1) and (2), the Central Government, with a view to regulating the use of vessels in the coasting trade, may by order provide that no vessel shall proceed to sea from any port in British India on a voyage to any other such port except under the authority of a licence granted by such authority or person as may be specified in the order.

(4) Without prejudice to any order made under sub-rule (1) of rule 60 or to any other provision of these Rules, the Central Government may make such orders with respect to any particular vessel—

(a) for securing that goods or passengers shall not be put off or taken on board the vessel in British India elsewhere than at a prescribed port.

(b) for determining the class of goods or passengers that may be put off or taken on board the vessel at a port in British India,

as the Central Government considers necessary or expedient in the interests of the defence of British India and the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community.

(5) If any vessel proceeds or attempts to proceed to sea in contravention of an order made under this rule, or if otherwise there is any contravention of such an order in the case of a vessel the master of the vessel and the owner or other person having the management thereof shall each be deemed to have contravened such order and shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Requisitioning of vessels.

66. (1) The Central Government may by order in writing requisition any vessel registered in British India or anything on board such vessel wherever such vessel may be; and may make such further orders as appear to the Central Government to be necessary or expedient in connection with the requisitioning.

(2) Where the Central Government has requisitioned any vessel under sub-rule (1), the Central Government may use or deal with the vessel in such purpose and in such manner as may appear to it to be expedient, and may hold, or sell, or otherwise dispose of the vessel as though the Central Government were the owner thereof.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Power to restrict the transfer of vessels.

67. (1) No person shall transfer or acquire any interest in any vessel registered in British India without the previous consent in writing of the Central Government.

(2) Notwithstanding anything contained in Section 53 of the Merchant Shipping Act, 1894, an application made (whether before or after the commencement of the Ordinance) for the transfer of the registry of a ship registered in British India from one port to another, shall not be granted except with the approval of the Central Government.

57 & 58 Vict., c. 60.

(3) If any person contravenes any of the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Power to take up accommodation in certain vessels.

68. (1) The Central Government may by order in writing require the owner, or the person having the management, or the master, of any vessel registered in British India—

(a) to place at the disposal of Government the whole or any part of the space or accommodation available on such vessel, and to employ such space or accommodation for the carriage of any persons, animals or things to any place specified in the order, and

(b) to undertake or permit to be undertaken such structural additions or alterations on board such vessel as may be necessary to fit it for the safe carriage of any persons, animals or things.

(2) Whenever in pursuance of clause (a) of sub-rule (1) any space or accommodation in any vessel is placed at the disposal of the Central Government, the owner of such vessel shall be paid, therefor at such rates as the Central Government may by order made in this behalf determine.

(3) Whenever in pursuance of clause (b) of sub-rule (1) the Central Government requires any structural additions or alterations to be undertaken on board any vessel, the owner of such vessel shall be paid the actual cost of such additions or alterations.

(4) Where, in respect of any vessel, there subsists between a British subject resident in India or a corporation incorporated under the law of British India and any other person a charter party or other contract under which the first-mentioned person is entitled to possession of it, or has the right to have any articles carried in it or to use any space or accommodation in it, the Central Government may serve on the first mentioned person, in any manner appearing to the Central Government to be convenient, a notice stating that on such date as may be specified in the notice his rights and liabilities under the contract will be transferred to the Central Government; and in that event the contract shall, as regards any rights exercisable, or liabilities incurred on or after the said date, have effect subject to the provisions of sub-rule (2), as if the Central Government were a party to the contract instead of the person on whom the notice was served, and as if for any reference in the contract to that person there were substituted a reference to the Central Government.

(5) The Central Government may at any time cancel a notice served under the provisions of sub-rule (4) in respect of a contract, and thereupon the provisions of the said sub-rule shall, unless and until a further notice is served thereon due in respect of that contract, cease to operate in relation to the contract as regards any rights exercisable, or liabilities incurred, on or after the date on which the cancellation takes effect.

(6) If any order made under sub-rule (1) is contravened, the master of the vessel and the owner or other person having the management thereof shall each be deemed to have contravened such order and shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Stopping of vessels.

69. (1) Any person authorised in this behalf by the Central Government may, if it appears to that person to be necessary in the interests of the defence of British India so to do, order with respect to any particular vessel at a port or place in British India, that the vessel shall not leave the port or place until permitted to do so by such authority or person as may be prescribed to the order.

(2) Subject to the provisions of sub-rule (3), if any vessel leaves or attempts to leave any port or place in contravention of any such order as aforesaid, the master of the vessel shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

(3) Any order made under the provisions of this rule shall cease to have effect ninety-six hours after the time at which it is made, unless in the meantime it has been confirmed by the Central Government.

Power to restrict transfer of aircraft, XXII of

70. (1) No person shall without the previous consent in writing of the Central Government transfer or acquire any interest in any aircraft, or in any part of an aircraft, which is registered under the Indian Aircraft Act, 1934, or which, having been previously registered under the said Act, is not for the time being registered either in India or elsewhere.

(2) If any person contravenes any of the provisions of sub-rule (1), he shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Entry of aircraft and XXII

71. The pilot of any aircraft flying in contravention of any provision of, or of any rule made under, the Indian Aircraft Act, 1934, shall on being warned in the manner prescribed by the rules made under that Act, immediately land, and if such pilot fails to comply with such warning as aforesaid any commissioned officer of His Majesty's forces may take or cause to be taken such action as may be necessary to terminate the flight.

Requisitioning of aircraft.

72. (1) The Central Government, subject to the provisions of sub-rule (2), may by order in writing requisition—

(a) any aircraft in British India and anything on board or forming part of any aircraft in British India;

(b) any aircraft registered under the Indian Aircraft Act 1934, or anything on board or forming part of such an aircraft wherever such aircraft may be;

XXII

(c) any machinery, plant, material or thing used for the operation, manufacture, repair or maintenance of aircraft;

and may give such further orders as appear to the Central Government to be necessary or expedient in connection with the requisitioning.

(2) Nothing in sub-rule (1) shall authorise the requisitioning of any aircraft registered in the United Kingdom, or any Dominion within the meaning of the Statute of Westminster, 1931, or of anything on board or forming part of such aircraft.

(3) Where the Central Government has requisitioned any aircraft under sub-rule (1), the Central Government may use or deal with the aircraft for such purpose and in such manner as may appear to it to be expedient and may hold or sell, or otherwise dispose of the aircraft as though the Central Government were the owner thereof.

(4) If any person contravenes any order made under this rule he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Power to appoint controller, etc., of

73. (1) The Central Government may, by order in writing, require the owner or the person having the management or the pilot of any aircraft registered under the Indian Aircraft Act, 1934,— XXII

(a) to place at the disposal of Government the whole or any part of the space or accommodation available in or on such aircraft and to employ such space or accommodation for the carriage of any persons, animals or things to any place specified in the order; and

(b) to undertake or permit to be undertaken such structural additions or alterations to such an aircraft as may be necessary to fit it for the safe carriage of any persons, animals or things.

(2) Whenever in pursuance of clause (a) of sub-rule (1) any space or accommodation in any aircraft is placed at the disposal of the Central Government, the owner of such aircraft shall be paid therefor at such rates as the Central Government may by order made in this behalf determine.

(3) Whenever in pursuance of clause (b) of sub-rule (1) the Central Government requires any structural additions or alterations to be undertaken on board any aircraft, the owner of such aircraft shall be paid the actual cost of such additions or alterations.

(4) Where in respect of any aircraft there subsists between a British subject resident in India or a corporation incorporated under the law of British India and

any other person a contract under which the first-mentioned person is entitled to possession of it, or has the right to have any articles carried in it or to use any space or accommodation in it, the Central Government may serve on the first mentioned person, in any manner appearing to the Central Government to be convenient, a notice stating that on such date as may be specified in the notice his right to and liabilities under the contract shall be transferred to the Central Government; and to that extent the contract shall as regards any rights enforceable, or liabilities incurred, on or after the said date, have effect subject to the provisions of sub-rule (1), as if the Central Government were a party to the contract instead of the person on whom the notice was served, and as if for any reference in the contract to that person there were substituted a reference to the Central Government.

(3) The Central Government may at any time cancel a notice served under sub-rule (2) in respect of a contract, and thereupon the said sub-rule shall, unless and until a further notice is served thereunder in respect of that contract, cease to operate in relation to the contract, as regards any rights exercisable, or liabilities incurred, on or after the date on which the cancellation takes effect.

(4) If any order made under sub-rule (1) is contravened, the pilot of the aircraft and the owner or other person having the management thereof shall each be deemed to have contravened such order and shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Seizure of aircraft.

74. (1) Any person authorised in this behalf by the Central Government may, if it appears to that person to be necessary in the interests of the defence of British India so to do, order, with respect to any particular aircraft at any place in British India, that the aircraft shall not leave the place until permitted to do so by such authority or person as may be prescribed in the order.

(2) Subject to the provisions of sub-rule (3), if any aircraft leaves or attempts to leave any place in contravention of any such order as aforesaid, the pilot of the aircraft shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine.

(3) Any order made under this rule shall cease to have effect ninety-six hours after the time at which it is made, unless in the meantime it has been confirmed by the Central Government.

Control of navigation of seaplanes.

75. (1) The Central Government may, by order, make provision as to the places in British India in or to which seaplanes may be or go, and generally for regulating the movements, navigation, pilotage, anchorage, mooring, berthing and lighting of seaplanes on the surface of the water.

(2) For the purposes of this rule seaplanes taking off from, or alighting on, the water shall be deemed to be on the surface of the water while they are in contact therewith.

(3) If in the case of any seaplane an order made under the provisions of sub-rule (1) is contravened, the pilot of the seaplane shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

PART XII.

Essential Supplies and Work.

Persons entering to buildings and premises.

76. (1) The Central Government or the Provincial Government may by order in writing requisition any building, part of a building, or other premises, together with any fixtures, fittings, furniture or other things with any land, and may make such further order as appear to them, and may make such further order as appear to that Government to be necessary or expedient in connection with the requisitioning:

Provided that no premises or things used for the purpose of religious worship shall be requisitioned under this rule.

(2) Where the Central Government or the Provincial Government has requisitioned any premises or thing under sub-rule (1), that Government may dispose of and use such premises or thing in such manner as it may consider necessary or expedient.

(3) If any person contravenes any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Power to requisition buildings from the operation of building laws.

77. Nothing contained in any law for the time being in force, or in any rule made under any such law, to regulate the erection, re-erection, construction, alteration or maintenance of buildings, shall apply to any building or land the use of which by or on behalf of Government is required by the Central Government to be necessary or expedient for the successful prosecution of the war and the defence of British India.

Power to do work on land.

78. (1) For the purposes of this rule, the doing of work on land shall include the demolition or rendering unclean of anything placed in, on or over the land, the removal from the land of anything so demolished or rendered unclean and the maintenance of any work or thing in, on or over the land.

(2) Any member of His Majesty's forces acting in the course of his duty as such, and any other person authorised by the Central Government in that behalf, may, if in the opinion of such member or person it is necessary or expedient so to do for securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community, the Central Government may by order provide for prohibiting or restricting the doing on any particular land of any such work as may be specified in the order.

(3) No person shall, except with permission granted by or on behalf of the Central Government, remove, alter or tamper with any work done, or thing placed, in, on or over any land in pursuance of this rule.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to six months, and shall also be liable to fine.

Requisitioning of land.

79. (1) If in the opinion of the Central Government it is necessary or expedient so to do for securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community, the Central Government may by order in writing requisition any land, and may make such further orders as appear to the Central Government to be necessary or expedient in connection with the requisitioning:

Provided that no land used for religious purposes shall be requisitioned under this rule.

(2) Where any land has been requisitioned by the Central Government under sub-rule (1), the Central Government may dispose of and use such land in such manner as it thinks fit.

(3) The owner or occupier of any land shall if ordered by the Central Government so to do, furnish such information in his possession relating to the land as the information which may reasonably be demanded of him in connection with the execution of this rule) as may be specified in the order.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to two years, and shall also be liable to fine.

Use of land for purposes of His Majesty's forces.

80. (1) Without prejudice to any other of these Rules, the Central Government may by order authorise, subject to any reservations or conditions imposed by the order, the use of any specified land for naval, military or air force purposes, during such period as may be specified; and any such order may, so far as appears to the Central Government to be necessary or expedient for the purposes of the order, provide—

(a) for entitling persons using any land in pursuance of this or her to do such acts in relation to that land as may be specified;

(b) for prohibiting or restricting the exercise of rights of way over that land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(2) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to six months, and shall also be liable to fine.

General control of industry, etc.

31. (1) In this rule the expression "undertaking" means any undertaking by way of any trade or business.

(2) The Central Government, so far as appears to it to be necessary or expedient for ensuring the defence of British India or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may by order provide—

(a) for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use or consumption of articles or things of any description whatsoever;

(b) for controlling the prices at which articles or things of any description whatsoever may be sold;

(c) for regulating the carrying on of any undertaking engaged in work appearing to the Central Government essential to any of the above-mentioned purposes, and, in particular, for securing the prior fulfilment of contracts entered into with Government, and for controlling the share which may be made by the undertakers in respect of the doing of any work by them and for regulating or prohibiting the engagement in or the undertaking of any workman or any class of workmen in work;

(d) for requiring persons carrying on any undertaking to keep such books, accounts and records relating to the undertaking as may be specified in the order;

(e) for requiring persons carrying on, or employed in connexion with, any undertaking to produce to such authority as may be specified in the order any books, accounts or other documents relating to the undertaking; and for requiring such persons to furnish to such authority as may be specified in the order, such estimates, returns or other information relating to the undertaking as may be specified in the order or demanded thereunder;

(f) for any incidental and supplementary matters for which the Central Government thinks it expedient for the purposes of the order to provide, including, in particular, the entering and inspection of premises to which the order relates with a view to securing compliance with the order;

and an order under this rule may prohibit the doing of anything regulated by the order except under, and in accordance with the conditions of, a licence granted by such authority as may be specified in the order, and may be made so as to apply either to persons or undertakings generally or to any particular person or undertaking or class of persons or undertakings, and either to the whole or to any part of any undertaking, and so as to have effect either generally or in any particular area.

(3) The Central Government, if it appears to it to be necessary so to do in the interest of the defence of British India or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may carry on the whole or any part of any existing undertaking, or authorise a person to carry on the whole or any part of the undertaking, in accordance with any instructions of the Central Government; and while by virtue of this sub-rule the Central Government or a person so authorised is carrying on the whole or any part of an undertaking,—

(a) the said Government or person shall be deemed to be acting as the agent of the persons ordinarily carrying on the undertaking, except that such persons shall not have any right to control the carrying on of the undertaking or part of the undertaking, and

(b) such persons shall not be bound, or, as the case may be, shall not in respect of such matters as may be specified by order of the Central Government, be bound, by any obligation or limitation imposed on them by or by virtue of any Act or other instrument determining their functions.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Restriction on transfer of mines.

32. (1) No owner of a mine shall without the previous sanction of the Central Government, transfer the mine or any interest therein to any person other than a British subject, or to a foreign-controlled company.

(2) If—

(a) any person to whom a transfer of any mine has been made in contravention of this rule; or

(b) any agent entrusted with the charge, control or management of a mine by or on behalf of any person to whom a transfer of a mine has been made in contravention of this rule, and having reason to believe that this rule has been so contravened,

works such mine or removes any produce or output thereof, he shall be deemed to have contravened this rule.

(3) In this rule—

(a) "British subject" means a person who is a natural-born British subject within the meaning of the British Nationality and Status of Aliens Act, 1914, and includes a subject of an Indian State; 4 & 5 Geo. V, c. 17.

(b) "foreign-controlled company" includes any company, firm or association or body of individuals whether incorporated or not—

(i) which is not established in and subject to the laws of some part of His Majesty's dominions or of some British Protectorate, and has not its principal place of business therein; or

(ii) in which the majority of the directors or of the partners, or of the persons occupying the position of directors or partners, by whatever name called, are not British subjects, or

(iii) in which the majority of the voting power or the predominant interest is in the hands of persons who are not British subjects or of persons who exercise their voting power or hold their interest directly or indirectly on behalf of persons who are not British subjects; or

(iv) of which the control is by any other means whatever in the hands of persons who are not British subjects; or

(v) of which the managing body is a company, or the majority of the managing body are appointed by a company, of the nature described in any of the above sub-clauses;

(c) "mine" includes a quarry and any mineral deposit or land known or believed to contain a mineral deposit of commercial value;

(d) "owner" includes a lessee, any person having a transferable interest and any agent of an owner or a lessee or of any person having such interest.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Requisitioning of foreign property.

33. (1) Where, in the opinion of the Central Government, any product, article or thing can be used in connexion with the prosecution of the war, the Central Government may, by order in writing requisition such product, article or thing, and may make such further orders as appear to the Central Government to be necessary or expedient in connexion with the requisitioning.

(2) Whenever in pursuance of sub-rule (1) the Central Government requisitions any product, article or thing, the owner of such product, article or thing shall be paid such price therefor as the Central Government may determine.

(3) Where the Central Government has requisitioned any product, article or thing under sub-rule (1), the Central Government may dispose of and use such product, article or thing in such manner as seems to the Central Government necessary or expedient.

(4) If any person contravenes any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Power to prohibit or restrict the import or export of goods.

34. (1) In this rule—

(a) "import" means bringing into British India by sea, land or air;

(b) "export" means taking out of British India by sea, land or air;

(2) The Central Government may by notified order prohibit or restrict the import or export of all goods or goods of any specified description from or to any specified person or class of persons.

(3) Where, by an order issued under sub-rule (2), the import or export of any goods is prohibited or restricted, such goods shall be deemed to be goods of which the import or export has been prohibited or restricted under section 19 of the Sea Customs Act, 1878, and all the provisions of that Act shall have effect accordingly. VIII of 1

PART XIII.

Transport.

Control of use of communications for military purposes

83. (1) The Central Government may, with a view to facilitating any operations of His Majesty's forces or the movement of persons or supplies in connection with such operations, by general or special order—

(a) require any railway administration to give special facilities for the transport of such forces, persons or supplies as aforesaid;

(b) prohibit or restrict the use of any railway, port or aerodrome for such period as may be specified in the order.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Control of traffic in certain other contingencies.

84. (1) Without prejudice to any order made under sub-rule (1) of rule 81 or to the provisions of any other of these rules, the Central Government may by order make provision—

(a) for prohibiting, restricting or otherwise controlling the shipping or unshipping of persons, animals or goods of any specified class of persons, animals or goods at any port;

(b) for prohibiting, restricting or otherwise controlling the embarking on or putting on board aircraft, or the disembarking or unloading from aircraft, of persons, animals or goods, or any specified class of persons, animals or goods, at any aerodrome;

(c) generally for regulating, facilitating, or expediting any form of traffic at or in any port or aerodrome.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Congestion of traffic at ports and aerodromes and on railways

85. (1) The appropriate authority may, for the purpose of preventing or avoiding any undue congestion at any port or aerodrome or on any railway premises, cause to be removed therefrom, and kept at such places as that authority thinks proper, any goods which are not removed with reasonable despatch by or on behalf of the consignee.

(2) The cost of the removal and custody of any goods under sub-rule (1) shall be recoverable from the consignee as an arrear of land revenue by the appropriate authority, which for the purposes of such recovery shall be deemed to be a public officer within the meaning of section 6 of the Revenue Recovery Act, 1890.

1 of 1890.

(3) For the purposes of this rule, the expression "appropriate authority" means—

(a) in respect of a port, the port authority of the port, or any person authorised by that authority in this behalf;

(b) in respect of an aerodrome, the Director of Civil Aviation;

(c) in respect of any railway premises, the officer authorised in this behalf by the railway administration concerned.

Handling and conveyance of ammunition, etc.

86. (1) The Central Government may by notification declare that nothing in any restriction imposed by or under any law for the time being in force shall apply—

(a) to loading, unloading, handling, storage or conveyance, in any port, airport or railway station, of ammunition, explosives or inflammable substances in the service of His Majesty or under instructions given on behalf of His Majesty, or

(b) to the conveyance of ammunition, explosives or inflammable substances in any vessel, aircraft or railway tender for purposes of defence.

(2) When a declaration has been made under sub-rule (1), the Central Government may by order make such provision as appears to it to be required in the interests of safety for regulating the loading, unloading, handling, storage and conveyance of ammunition, explosives and inflammable substances to which the declaration applies.

(3) In this rule the expression "port" includes an inland steamer station and ferry station.

Control of road transport.

87. (1) In this rule—

(a) "vehicle" means any vehicle used, or capable of being used, for the purpose of road transport, whether propelled by mechanical power or otherwise, and whether used for drawing other vehicles or otherwise, and includes a trailer and a trolley-vehicle;

(b) "animal" means any animal used, or capable of being used, for the transport of persons or goods.

(2) Without prejudice to any other provision of these Rules, the Central Government or the Provincial Government may by order—

(a) regulate, restrict or give directions with respect to, the use of any animal or vehicle for the purpose of road transport, or the sale or purchase of any animal or vehicle;

(b) require any person owning, or having in his possession or under his control, any animal or vehicle to make in any person specified in this behalf a return giving such particulars as may be specified in the order with regard to such animal or vehicle and require such return to be verified in such manner as may be specified in the order;

(c) require any person owning or having in his possession or under his control any animal or vehicle to give notice in such manner as may be specified in the order before disposing thereof or allowing it to pass out of his possession or control;

(d) require any person owning, or having in his possession or under his control, any animal or vehicle to comply with any directions given by any person specified in, or duly authorised in pursuance of, the order, and such directions may require the person owning, or having in his possession or under his control, any animal or vehicle to use such animal or vehicle for the conveyance of such persons or goods at such time and by such routes as may be set forth in the directions;

(e) prescribe the conditions subject to which, and the rates at which, any animal or vehicle may be hired for the purpose of road transport and persons or goods may be carried by road, and the conditions subject to which goods so carried or to be carried may be discharged or loaded;

(f) provide for prohibiting or restricting the carriage of persons or goods of any class by road, and for prescribing the routes or distance within which persons or goods of any class may be carried by road;

(g) provide for the giving of directions with respect to the carriage of persons or goods on any particular vehicle, or by any particular route, or to any particular clearing-house or depot;

(h) provide for the regulation of the priority in which persons and goods are to be carried by road and vehicles are to be used for the purpose of road transport;

(i) make such other provisions in relation to road transport as appear to that Government to be necessary or expedient for the regulation of traffic on highways.

(3) If any person contravenes any order made in pursuance of this rule he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine.

PART XIV.

Financial Provisions.

Prohibitions regarding coin and notes.

88. (1) In this rule the expression "coin" means coin which is legal tender under the Indian Coinage Act, 1906.

III of 1906.

(2) No person shall—

(a) buy or sell, or offer to buy or sell, for an amount other than its face value, any coin or Reserve Bank of India note or currency note of the Government of India, or

(b) accept or offer to accept, in payment of a debt or otherwise, any such coin or note for an amount other than its face value.

(3) If any person contravenes any of the provisions of this rule he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Restriction on purchase of foreign exchange.

89. (1) For the purposes of this rule and of rule 92, the expression "foreign exchange" means—

(a) any currency other than currency which is a legal tender in British India,

(b) any bill or promissory note, payable otherwise than in rupees, and

(c) any credit or balance otherwise than in rupees.

(2) No person resident in British India shall, except to the extent of the normal requirement of his trade or business (not being the business of dealing in foreign exchange) or for the purpose of performing a contract made before the 3rd September 1939, or for defraying reasonable travelling or other personal expenses, acquire any foreign exchange, or

transfer rupees, gold coin or bullion, or securities with a view, directly or indirectly, to the acquisition of any foreign exchange.

(3) No person shall buy or borrow from, or sell or lend to, any person not authorised by the Central Government in this behalf, any foreign exchange, gold coin or bullion.

(4) The provisions of this rule shall not apply to anything done with the permission of the Central Government.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term, which may extend to five years, and shall also be liable to fine.

Acquisition by the Central Government of foreign exchange.

92. (1) On the issue of a notification by the Central Government in this behalf, every person who owns any such foreign exchange as may be specified in the notification shall offer it, or cause it to be offered, for sale to the Reserve Bank of India on behalf of the Central Government at such price as the Central Government may from time to time fix:

Provided that—

(a) any person may be exempted from the operation of this rule by order of the Central Government, and

(b) any person, who satisfies the Reserve Bank of India that he requires the foreign exchange in question for any purpose for which he could lawfully acquire it under sub-rule (2) of rule 91 without the permission of the Central Government, shall be exempt from the operation of this rule.

(2) If any person contravenes the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Restriction on purchase of securities.

93. (1) For the purposes of this rule and of rule 94, the expression "securities" includes shares, stock, bonds, debentures and debenture stock but does not include bills of exchange.

(2) No person shall except with the permission of the Central Government or in the performance of a contract made before the 3rd September 1939, acquire any securities from a person not resident in India.

(3) If any person contravenes the provisions of this rule, he shall be punishable with imprisonment for a term, which may extend to five years, and shall also be liable to fine.

Acquisition by the Central Government of securities.

94. (1) For the purposes of this rule—

(i) "export", in relation to securities, includes the transfer thereof from a register in India to a register outside India,

(ii) "foreign security" means a security issued in any country other than India;

(iii) "owner", in relation to any security, includes any person who has power to sell or transfer a security, or who has the custody thereof, or who receives, whether on his own behalf or on behalf of any other person, dividends or interest thereon, or who has any interest therein.

(2) The Central Government may, by notified order, direct the owners of any foreign securities specified in the notification to make a return to the Reserve Bank of India, within such period and giving such particulars as to those securities, as may be specified in the order.

(3) The Central Government may, if it is of the opinion that it is expedient so to do for the purpose of strengthening its financial position, by order transfer to itself any such foreign securities as aforesaid specified in the order at a price as specified being a price which, in the opinion of the Central Government, is not less than the market value of the securities on the date of the order.

(4) On the making of an order under sub-rule (3)—

(a) the securities to which the order relates shall forthwith vest in the Central Government free from any mortgage, pledge or charge, and the Central Government may deal with them in such manner as it thinks fit;

(b) the owner of any of the securities to which the order related and any person who is responsible for keeping any registers or books in which any of those securities are registered as inscribed, or who is otherwise concerned with the registration or inscription of any of those securities, shall do all such things as are necessary, or on the Central Government or the Reserve Bank of India, or behalf of the Central Government, may order to be done, for the purpose of securing that the securities and any documents of title relating thereto are delivered to the Central Government and, in the case of registered and inscribed securities, that the securities are registered or inscribed in the name of the Central Government.

(5) A certificate signed by any person authorised in this behalf by the Central Government that any specified securities are securities transferred to the Central Government under this rule, shall be treated by all persons concerned as conclusive evidence that the securities have been so transferred.

(6) The provisions of this rule shall not apply to any security in respect of which the Central Government is satisfied that at all times since the 3rd September 1939, all persons interested in the security, other than persons interested thereon merely as trustees or merely by virtue of any mortgage, pledge or charge, but including any persons beneficially interested thereon under the trust, were not resident in British India.

(7) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Banks to satisfy themselves that provisions are not contravened.

95. Before making any payment or transfer of funds at the request of any person, a bank shall require any declarations and information which may be reasonably necessary to satisfy it that the payment or transfer will not involve, and is not with a view to, the contravention of any of the provisions of these Rules by that or any other person.

Compensation.

96. (1) Whenever in pursuance of any of rules 40, 56, 72, 76, 78, 79, 80 and 81, any property is removed, destroyed, rendered useless, used or requisitioned by, or otherwise placed at the disposal of or under the control of, the Central Government or a Provincial Government, the owner of such property shall be paid such compensation for any loss he may have sustained as a result of such removal, destruction, rendering useless, use, requisitioning, disposal, or control, as may be fixed in accordance with the provisions of this rule.

(2) The Central Government or the Provincial Government, as the case may be, shall by general or special order specify the authority or person through which or whom any claim for compensation under the preceding sub-rules shall be submitted and the authority or person by which or whom any such claim shall be adjudged and awarded.

(3) The Central Government or the Provincial Government, as the case may be, may further by general or special order prescribe the conditions to which the authority or person responsible for adjudging or awarding claims for compensation shall have regard when determining the amount of compensation payable, and may give such supplementary orders as to the assessment and payment of compensation as may appear to it to be necessary or expedient.

PART XV.

Control of Trading with Enemy.

Definition.

97. For the purposes of this Part the expression "enemy" means—

(a) any State, or Sovereign of a State, at war with His Majesty, or

(b) any individual resident in enemy territory, or

(c) any body of persons constituted or incorporated in, or under the laws of, a State at war with His Majesty, or

(d) any other person or body of persons declared by the Central Government to be an enemy, or

(e) any body of persons (whether corporate or unincorporate) carrying on business in any place, if and so long as the body is controlled by a person who, under this rule, is an enemy.

Prohibition of dealing with the enemy.

98. (1) For the purposes of this Part a person shall be deemed to have traded with the enemy if he has had any commercial, financial or other intercourse or dealings with, or for the benefit of, an enemy, and, in particular, but without prejudice to the generality of the foregoing provision, if he has—

(i) supplied any goods to or for the benefit of an enemy, or obtained any goods from an enemy, or traded in, or carried any goods consigned to or from an enemy or destined for or coming from enemy territory, or

(ii) paid or transmitted any money, negotiable instrument or security for money, to or for the benefit of an enemy or to a place in enemy territory, or

(iii) performed any obligation to, or discharged any obligation of, an enemy, whether the obligation was undertaken before or after the commencement of the Ordinance

Provided that a person shall not be deemed to have traded with the enemy by reason only that he has—

(a) done anything under an authority given generally or specially by, or by any person authorised in that behalf by, the Central Government, or

(b) received payment from an enemy of a sum of money due in respect of a transaction under which all obligations on the part of the person receiving payment had been performed before the commencement of the Ordinance

(2) Any reference in this rule to an enemy shall be construed as including a reference to a person acting on behalf of an enemy.

(3) Any person who trades with the enemy shall be punishable with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Effect of acts, etc., in respect of trading with enemy.

99. No transaction which constitutes an offence of trading with the enemy shall, except to such extent as the Central Government may by general or special order regulate be effective so as to confer any rights or remedies on the parties to such transaction or on any person claiming under them.

Appointment of controllers and inspectors.

100. For the purpose of securing compliance with the provisions of this Part, the Central Government may appoint controllers and inspectors.

Supervision of specified business.

101. (1) If it appears to the Central Government expedient that any business should be subject to supervision in order to secure compliance with the provisions of this Part, the Central Government may authorise a controller or inspector to supervise such business and may by order, regulate all matters incidental to such supervision.

(2) If any person contravenes any order lawfully given by a controller or inspector that person shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine.

Penalty for destruction, mutilation, etc., of books and documents.

102. If any person with intent to evade the provisions of this Part conceals, destroys, mutilates, or defaces any book or other document, that person shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

PART XVI

Control of Enemy Firms.

Definition.

103. In this Part—

Enemy subject.

(1) "enemy subject" means—

(a) any individual who possesses the nationality of a state at war with His Majesty, or having possessed such nationality at any time has lost it without acquiring another nationality, or

(b) any body of persons constituted or incorporated in or under the laws of such State,

Enemy firm.

(2) "enemy firm" means—

(a) any enemy subject who is, or at any time subsequent to 2nd September 1939, was carrying on any business in British India, or

(b) any firm, whether constituted in British India or not, of which any member or officer is, or at any time subsequent to 2nd September 1939 was an enemy subject, and which is, or at any time subsequent to 2nd September 1939 was carrying on business in British India, or

(c) any company, whether incorporated in British India or not of which any officer is, or at any time subsequent to 2nd September 1939 was an enemy subject, and which is, or at any time subsequent to 2nd September 1939, was carrying on business in British India, or

(d) any person or body of persons, whether incorporated, or not, who or which in the opinion of the Central Government is, or at any time subsequent to 2nd September 1939, was carrying on business in British India—

(i) under the control whether direct or indirect of any enemy subject, or

(ii) wholly or mainly for the benefit of enemy subjects generally or any class of enemy subjects or any individual enemy subject,

Enemy currency.

(3) "enemy currency" means any such notes or coins as circulate as currency in any enemy territory or any such other notes or coins as are for the time being declared by an order of the Central Government to be enemy currency;

Enemy property.

(4) "enemy property" means any property (or the time being belonging to or held or managed on behalf of an enemy subject or an enemy firm;

Securities.

(5) "securities" includes shares, stock, bonds, debentures and debenture stock, but does not include bills of exchange.

Prohibition of trade with enemy firms.

104. (1) No person shall, directly or indirectly—

(a) advance money to, or enter into any contract with, an enemy firm, or

(b) pay any sum of money to, or for the benefit of, an enemy firm; or

(c) give any security for the payment of any debt of any other sum of money for the benefit of an enemy firm; or

(d) act on behalf of an enemy firm in drawing, accepting, paying, presenting for acceptance or payment, negotiating or otherwise dealing with, any negotiable instrument, or

(e) accept, pay, or otherwise deal with, any negotiable instrument which is held by, or on behalf of, an enemy firm, or

(f) enter into any new transaction, or complete any transaction already entered into, with an enemy firm in respect of any stocks, shares or other securities, or

(g) make or enter into any new policy or contract of insurance (including re-insurance) or accept or give effect to any insurance of any risk arising under a policy or contract of insurance (including re-insurance) made or entered into with, or for the benefit of, an enemy firm; or

(h) supply to, or for the use or benefit of, or obtain from, an enemy firm, any goods, wares or merchandise, or trade in or carry any goods, wares or merchandise destined for an enemy firm, or

(i) purchase enemy currency; or

(j) enter into any other commercial or financial obligation or contract with, or for the benefit of, an enemy firm.

(2) In any proceeding arising out of a contravention of clause (f) of sub-rule (1) it shall be a defence for the accused to prove that at the date of the contravention he had no reasonable ground for believing that the negotiable instrument was held by or on behalf of an enemy firm.

(3) Nothing in this rule shall be deemed to prohibit anything expressly permitted by or under the authority of His Majesty or the Central Government

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Power to appoint Controllers, etc., of Enemy Firms.

105. The Central Government may, either generally or for any particular area, appoint one or more Controller, Deputy Controllers and Inspectors, of Enemy Firms, for securing compliance with the provisions of this Part, and may by general or special order, provide for the distribution and allocation of the work to be performed by them under these Rules.

Powers of Controllers, etc., of Enemy Firms.

106. If a Controller, Deputy Controller or Inspector, of Enemy Firms has reasonable cause to believe that an offence punishable under rule 104 has been or is likely to be, committed, he may—

(a) inspect or cause to be inspected any books or documents belonging to, or under the control of, any person,

(b) order any person to give such information in his possession with respect to any business carried on by that or any other person as the Controller, Deputy Controller or Inspector, as the case may be, may demand,

and for the purposes aforesaid, may

(c) enter on any premises used for the purposes of the business,

(d) examine any person, examine him on oath, reduce his answers to writing and require him to sign the writing,

(e) if any person so summoned fails to appear at the time appointed, cause him to be apprehended by a police officer and brought before him for examination.

Supervision of suspected business.

107. If it appears to the Central Government that it is expedient for securing compliance with the provisions of this Part that any business should be subject to supervision, the Central Government may by order in writing authorise any Controller, Deputy

Controller, or Inspector, of Enemy Firms to supervise the business, and the Controller, Deputy Controller or Inspector shall thereupon have in relation to that business all the powers mentioned in rule 106 and such other powers as may from time to time be conferred on him by the Central Government.

Penalty for failure to comply with orders of Controller, etc.

108. If any person contravenes any order lawfully given by any Controller, Deputy Controller, or Inspector, of Enemy Firms, that person shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine.

Penalty for concealment, destruction, etc., of books or documents.

109. If any person with intent to evade the provisions of this Part conceals, destroys, mutilates or defaces any book or other document which a Controller, Deputy Controller, or Inspector, of Enemy Firms is empowered under rule 106 or rule 107 to inspect, that person shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine.

Contracts with enemy firms.

110. Where it appears to the Central Government that a contract entered into with an enemy firm, whether before or after the commencement of the Ordinance, is injurious to the public interest or was entered into with a view to evade the provisions of this Part, the Central Government may by order cancel or determine such contract either unconditionally or upon such conditions as it thinks fit.

Transfer of property to or by enemy firms.

111. (1) Where it appears to the Central Government that a transfer of property movable or immovable, made to, or by, an enemy firm, whether before or after the commencement of the Ordinance, is injurious to the public interest or was made with a view to evade the provisions of this Part, the Central Government may, by order, declare such transfer, and any subsequent transfer or sub-transfer of the same property or part thereof, to be void, either in whole or in part, or may impose such conditions on the transferee as it thinks fit.

(2) On the making of an order under sub-rule (1) declaring any transfer, subsequent transfer or sub-transfer of any property to be void, that property shall, with effect from the date of the order, be deemed to be re-vested in the original transferor.

Transfer and allotment of securities to or by enemy firms.

112. (1) If any securities are transferred by, or allotted or transferred to, an enemy firm, then, except with the sanction of the Central Government, the transferee or allottee shall not by virtue of the transfer or allotment have any rights or remedies in respect of the securities, and no body corporate by which the securities were issued, or are managed, shall take cognizance of, or otherwise act upon, any such transfer except under the written authority of the Central Government.

(2) No share warrants, stock certificates or bonds shall be issued, payable to bearer, in respect of securities registered or inscribed in the name of an enemy firm or of a person acting on behalf, or for the benefit, of an enemy firm.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine.

Transfer of negotiable instruments and actionable claims by enemy firms.

113. (1) No transfer of a negotiable instrument or an actionable claim by or on behalf of an enemy firm, nor any subsequent transfer thereof shall, except with the sanction of the Central Government, be effective so as to confer any rights or remedies in respect of the negotiable instrument or, as the case may be, the actionable claim.

(2) If any person by payment or otherwise purports to discharge any liability from which he is relieved by sub-rule (1), knowing the facts by virtue of which he is so relieved, he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine:

Provided that in any proceedings in pursuance of this sub-rule it shall be a defence for the accused to prove that at the time when he purported to discharge the liability in question he had reasonable grounds for believing that the liability was enforceable against him by order of a competent court, not being a court in India or in a State at war with His Majesty, and could be enforced against him by such an order.

(3) Where a claim in respect of a negotiable instrument or an actionable claim is made against any person who has reasonable cause to believe that, if he satisfied the claim, he would thereby be committing an offence punishable under sub-rule (2), that person may pay into a competent civil court any sum which but for the provisions of sub-rule (2) would be due in respect of the claim and thereupon the payment shall for all purposes be a good discharge to that person.

Collection of enemy debts, enemy firms and custody of property.

114. (1) With a view to preventing the payment of moneys to an enemy firm, and preserving enemy property in contemplation of arrangements to be made at the conclusion of peace, the Central Government may appoint one or more custodians of enemy property, and may by order—

(a) require the payment to the prescribed custodian of money which would but for these rules be payable to or for the benefit of an enemy firm or which would but for the provisions of rule 110 and rule 113 be payable to any other person;

(b) vest, or provide for and regulate the vesting, in the prescribed custodian such enemy property as may be prescribed;

(c) vest in the prescribed custodian the right to transfer such other enemy property as may be prescribed, being enemy property which has not been, and is not required by the order to be, vested in the custodian;

(d) confer and impose on the custodian and on any other person such rights, powers, duties and liabilities as may be prescribed in respects—

(i) property which has been, or is required to be, vested in a custodian by or under the order,

(ii) property of which the right of transfer has been or is required to be, so vested,

(iii) any other enemy property which has not been, and is not required to be, so vested,

(iv) money which has been, or is by the order required to be, paid to a custodian;

(e) require the payment of the prescribed fees to the custodians in respect of such matters as may be prescribed and regulate the collection of and accounting for such fees;

(f) require any person to furnish to the custodian such returns, accounts and other information and to produce such documents, as the custodian considers necessary for the discharge of his functions under the order,

and may such order may contain such incidental and supplementary provisions as appear to the Central Government to be necessary or expedient for the purposes of the order.

(2) Where any order with respect to any money or property is addressed to any person by a custodian and accompanied by a certificate of the custodian that the money or property or money or property to which an order under sub-rule (1) applies, the certificate shall be evidence of the facts stated therein, and if that person complies with the order of the custodian, he shall not be liable to any suit or other legal proceeding by reason only of such compliance.

(3) Where, in pursuance of an order made under sub-rule (1)—

(a) any money is paid to a custodian, or

(b) any property, or the right to transfer any property, is vested in a custodian, or

(c) an order is given to any person by a custodian in relation to any property which appears to the custodian to be property to which the order under sub-rule (1) applies,

neither the payment, vesting nor order of the custodian, nor any proceedings in consequence thereof, shall be invalidated or affected by reason only that at a material time—

(i) some person who was or might have been interested in the money or property, and who was an enemy firm, had died or had ceased to be an enemy firm, or

(ii) some person who was so interested, and who was believed by the custodian to be an enemy firm, was not an enemy firm.

(4) If any person pays any debt or deals with any property to which any order under sub-rule (1) applies otherwise than in accordance with the provisions of the order, he shall be punishable with imprisonment for a term which may extend to six months or fine or with both and shall also be liable to fine; and the payment or dealing shall be void.

(6) If any person without reasonable cause fails to produce or furnish in accordance with the requirements of an order under sub-rule (1) any document or information which he is required under the order to produce or furnish, he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine.

PART XVII.

Miscellaneous Provisions.

Duration of forfeiture.

118. (1) If any person finds any article as to which he has reasonable cause to believe that it has been lost or abandoned, as that, prior to its loss or abandonment, it was used or intended to be used for the purposes of any armed force or was in the possession of a person who was serving with an armed force, the person so finding the article—

(a) shall report the nature and situation thereof to, if the article is a document, cause it to be delivered to, some member of His Majesty's forces on duty in the neighbourhood or to the officer in charge of a police station in the neighbourhood; or if the article is found outside British India, shall take such steps as are practicable to secure that the nature and situation thereof are reported, or, if the article is a document, that it is delivered as soon as may be, to some person in His Majesty's service; and

(b) shall not, save as aforesaid, remove or tamper with the article except with the permission of the Central Government.

(2) The Central Government may by notified order direct that the obligations and restrictions imposed by sub-rule (1) shall not apply in relation to any such description of articles as may be specified therein or as may be specified by a prescribed authority or person.

(3) If any person contravenes any of the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine.

Power to obtain information.

119. (1) Without prejudice to any special provisions contained in these Rules the Central Government or the Provincial Government may by order require any person to furnish or produce to any specified authority or person any such information or article in his possession as may be specified in the order, being information or an article which that Government considers it necessary or expedient in the interests of the defence of British India, the efficient prosecution of the war or the public safety or interest to obtain or examine.

(2) If any person fails to furnish or produce any information or article in compliance with an order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

False statements.

117. If any person—

(i) when required by or under any of these Rules to make any statement or furnish any information, makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false, or not true, in any material particular, or

(ii) makes any such statement as aforesaid in any account, declaration, estimate, return or other document which he is required by or under any of these Rules to furnish,

he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Prohibition against obtaining information.

120. (1) No person who obtains any information by virtue of these Rules shall, otherwise than in connexion with the execution of the provisions of these Rules or of any order made in pursuance thereof, disclose that information to any other person except with permission granted by or on behalf of Government.

(2) If any person contravenes the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to two years and shall also be liable to fine:

Publication, alteration and defacement of notices.

119. (1) Save as otherwise expressly provided in these Rules, every authority, officer or person who makes any order in pursuance of any of these Rules shall publish notice of such order in such manner as may, in the opinion of such authority, officer or person, be best adapted for informing persons whom the order concerns.

(2) Any police officer and any other person acting on behalf of Government as may offer to, or cause to be displayed on, any premises, vehicle or vessel, any notice lawfully displayed by lawful authority for any purpose connected with the administration of these Rules and may for the purpose of exercising the power conferred by this rule enter at any time upon any vehicle or land or board any vessel.

(3) If any person, without lawful authority, removes, alters, defaces, obliterates or in any way tampers with any notice affixed or displayed in pursuance of these Rules, he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine.

Obstructing lawful authorities.

120. If any person voluntarily obstructs, or offers any resistance to, or impedes or otherwise interferes with,—

(a) any member of His Majesty's forces acting in the course of his duty as such, or

(b) any authority, officer or person exercising any powers, or performing any duties, conferred or imposed upon him or him by or in pursuance of these Rules, or otherwise discharging any lawful purpose in connexion with the defence of British India and the efficient prosecution of the war, or

(c) any person who is carrying out the orders of any such authority, officer or person so directed or who is otherwise acting in accordance with his duty in pursuance of these Rules,

he shall be punishable with imprisonment for a term which may extend to two years and shall also be liable to fine.

PART XVIII.

Supplementary and Procedural.

Attempts, etc., to contravene the Rules.

121. Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, a contravention of, any of the provisions of these Rules shall be deemed to have contravened that provision.

Offences by companies.

122. If the person contravening any of the provisions of these Rules, is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Assisting offenders.

123. Any person who, knowing or having reasonable cause to believe that any other person has contravened any of the provisions of these Rules, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall be deemed to have abetted that contravention.

Power to issue search warrants.

124. (1) If a District Magistrate, Sub-divisional Magistrate, Presidency Magistrate or Magistrate of the first class has reason to believe that a contravention of any of these Rules or an offence prejudicial to the efficient prosecution of war, to the defence of British India or to the public safety, has been, is being or is about to be committed in any place, he may by warrant authorise any police officer above the rank of constable—

(a) to enter and search the place in the manner specified in the warrant and

(b) to seize anything found in or on such place which the police officer has reason to believe is being used or is intended to be used for the purposes of, or in connexion with, any such contravention or offence as aforesaid, and

the provisions of the Code of Criminal Procedure, 1898, V of 1898. shall so far as they may be applicable, apply to any such search or seizure, as they apply to any search or seizure made under the authority of a warrant issued under section 98 of that Code.

(2) Any magistrate before whom anything seized under sub-rule (1) is brought shall forthwith report the fact of such seizure to the Provincial Government and, pending the receipt of its orders, may detain in custody anything so seized or take such other order for its safe custody as he may think proper.

(3) Anything seized under sub-rule (1) shall be disposed of in such manner as the Provincial Government may direct.

Power to search vessels, aircraft and vehicles.

125. (1) Any officer of His Majesty's forces engaged in the defence of the coast or any person authorised in this behalf by such officer may stop and search any vessel found within territorial waters or the territorial waters adjacent to British India and seize anything in such vessel which he has reason to believe has been, is being, or is about to be, used for any purpose prejudicial to the defence of British India or to the efficient prosecution of war, territorial waters

(2) Any officer or person who makes or causes to be made any seizure in pursuance of the provisions of sub-rule (1) shall forthwith report the fact of such seizure to the Central Government and, pending the receipt of the orders of the Central Government, may

details to custody anything so seized or take such other order for its safe custody as he may think proper.

(3) Anything seized in pursuance of the provisions of sub-rule (1) shall be disposed of in such manner as the Central Government may direct.

(4) Nothing in this rule shall apply to any visit, search, detent on or capture made in the exercise of any right under international law, or affect any law relating to Prize or Prize Courts.

Further powers of search.

125. (1) The Central Government or the Provincial Government may by general or special order empower any person to—

(a) stop and search any vessel found in inland waters or ports;

(b) search any place, and seize anything which he has reason to believe has been, is being or is about to be, used for any purpose prejudicial to the defence of British India or to the public safety or interest.

(2) Any person empowered under sub-rule (1) shall forthwith report to the Provincial Government in detail any seizure made by him and, pending the receipt of its order, may detain in custody anything so seized or take such other order for its safe custody as he may think proper.

(3) Anything seized by a person empowered under sub-rule (2) shall be disposed of in such manner as the Provincial Government may direct.

(4) A person empowered by the Central Government or the Provincial Government under sub-rule (1) may authorise any other person to exercise like powers to him own in the whole or any part of the area in respect of which that Government has empowered him.

Entry and inspection of land.

127. Any member of His Majesty's forces acting in the course of his duty as such, and any person authorised by the Central Government to act under this rule,—

(a) may enter on any land for the purpose of exercising any of the powers conferred in relation to that land by any of these Rules;

(b) may enter and inspect any land for the purpose of determining whether, and, if so, in what manner, any of these powers are to be exercised in relation to that land;

(c) may, for any purpose connected with the defence of British India, the public safety, the efficient prosecution of war, or the maintenance of supplies and services essential to the life of the community, pass (with or without animals or vehicles) over any land.

General power to arrest without warrant.

128. Any police officer may arrest without warrant any person who is reasonably suspected of having committed, of committing or of being about to commit a contravention of any of rules 13, 23, 45, 62, 63, 87, 110 and 120.

Further powers of arrest and detention.

129. (1) Any police officer not below the rank of head constable, or any other officer of Government empowered in this behalf by general or special order of the Central Government, may arrest without warrant any person whom he reasonably suspects of having acted, of acting, or of being about to act,—

(a) with intent to assist any State at war with His Majesty, or in a manner prejudicial to the public safety or to the efficient prosecution of war;

(b) in any area in which the Provincial Government has, by notification, declared that this clause shall become operative, in a manner calculated to promote, or to assist the promotion of, rebellion against the authority of Government.

(c) in any prohibited place, protected place, protected area or any such place or area as is referred to in clause (c) of sub-rule (1) of rule 9 in a manner prejudicial—

(i) to the safety of any such place or area or of any industry, machinery or building in any such place or area;

(ii) to the output or effective control of any such industry or machinery.

(2) Any officer who makes an arrest in pursuance of sub-rule (1) shall forthwith report the fact of such arrest to the Provincial Government, and, pending the receipt of the orders of the Provincial Government, may, subject to the provisions of sub-rule (3), by order in writing, commit any person so arrested to such custody as the Provincial Government may by general or special order specify:

Provided—

(i) that no person shall be detained in custody under this sub-rule for a period exceeding fifteen days without the order of the Provincial Government, and

(ii) that no person shall be detained in custody under this sub-rule for a period exceeding two months.

(3) If any person arrested under clause (c) of sub-rule (1) is prepared to furnish security, the officer who has arrested him may, instead of committing him to custody, release him on his executing a bond with or without sureties that he will not, pending the receipt of the orders of the Provincial Government, enter, reside or remain in the area in respect of which he becomes liable to arrest.

(4) On receipt of any report made under the provisions of sub-rule (2), the Provincial Government may, in addition to making such order, subject to the second proviso to sub-rule (2) as may appear to be necessary for the temporary custody of any person arrested under this rule, make, in exercise of any power conferred upon it by any law for the time being in force, such final order as to his detention, release, residence or any other matter concerning him as may appear to the said Government in the circumstances of the case to be reasonable or necessary.

(5) Subject to the condition that nothing in this sub-rule shall be deemed to extend the limits of detention prescribed in the first and second provisos to sub-rule (2), the Provincial Government may direct that any person arrested under clause (a) or clause (b) of sub-rule (1) shall be removed to any other province of which the Provincial Government (hereinafter described as the second Government) has given its consent in this behalf, and thereupon such person shall be removed and the second Government shall take in respect of such person such action as may be lawful in like manner as if such person had been arrested within its province.

(6) When security has been taken in pursuance of the provisions of sub-rule (3), the bond shall be deemed to be a bond taken under the Code of Criminal Procedure, 1898, by the Chief Presidency Magistrate or District Magistrate having jurisdiction in the area in respect of which the said security has been taken and the provisions of section 514 of the said Code shall apply accordingly. V of 1898.

Cognizance of contravention of the Rules, etc.

132. (1) No Court or Tribunal shall take cognizance of any alleged contravention of these Rules, except on a report in writing of the facts constituting such contravention, made by a public servant.

(2) Proceedings in respect of a contravention of the provisions of these Rules alleged to have been committed by any person may be taken before the appropriate Court having jurisdiction in the place where that person is for the time being.

(3) Notwithstanding anything contained in Schedule II to the Code of Criminal Procedure, 1898, a contravention of rule 26 shall be triable by a Court of Session, a Presidency Magistrate or a Magistrate of the first class. V of 1898.

Special provision for certain prosecutions.

133. No proceedings for a contravention of clause (c) of sub-rule (1) of rule 38 in respect of a prejudicial report the publication of which is, or which at an instalment to the commission of, a prejudicial act of the nature described in clause (b) of sub-rule (1) of rule 34 shall be taken in respect of any document circulated by, or under the authority of, a candidate for election to a Chamber of the Central or of a Provincial Legislature save with the written sanction of the Central Government or of the Provincial Government, as the case may be.

Power to give effect to rules, order etc.

132. (1) Any authority, officer or person who is empowered by or in pursuance of any these Rules to make any order, or to exercise any other power may, in addition to any other action prescribed by or under these Rules, take, or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying any contravention of, such order, or for the effective exercise of such power.

(2) Where in respect of any of the provisions of these Rules there is an authority, officer or person empowered to take action under sub-rule (1), the Central or the Provincial Government may take, or cause to be taken, such steps and use, or cause to be used, such force as may in the opinion of that Government be reasonably necessary for securing compliance with, or preventing or rectifying any breach of, such provision.

(3) For the avoidance of doubt it is hereby declared that the power to take steps under sub-rule (2) or under sub-rule (2) includes the power to enter upon any land or other property whatsoever.

A. DEC. WILLIAMS,
Secretary to the Government of India.

SIMLA,
The 3rd September 1939.

(Republished by Order of His Excellency the Governor)

P. APPU NAIR,
Secretary to Government, Legal Department.

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